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THE
HISTORY
OF
SCOTLAND
DURING THE REIGNS OF
QUEEN MARY and of KING JAMES VI.
TILL
His ACCESSION to the CROWN of ENGLAND.

WITH
REVIEW of the SCOTTISH HISTORY previous to that Period;
And an APPENDIX containing ORIGINAL PAPERS.

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HISTORIOGRAPHER TO HIS MAJESTY FOR SCOTLAND.*

A NEW EDITION.
WITH EMENDATIONS AND ADDITIONS.

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THE
HISTORY
OF
SCOTLAND.

BOOK VIII.

ON the first of May the King and Queen arrived at Leith, and were received by their subjects with every possible expression of joy. The solemnity of the Queen's coronation was conducted with great magnificence; but so low had the order of Bishops fallen in the opinion of the public, that none of them were present on that occasion, and Mr. Robert Bruce, a Presbyterian Minister of great reputation, set the Crown on her head, administered the sacred unction, and performed the other customary ceremonies.

The zeal and success with which many of the clergy had contributed towards preserving peace and order in the kingdom, during his absence, reconciled James, in a great degree, to their persons, and even to the Presbyterian form of government. In presence of an assembly, which

BOOK
VIII.

1590.
The King
and Queen
arrive in
Scotland.

August 4.

BOOK VIII. met this year, he made high encomiums on the discipline as well as the doctrine of the church, promised to adhere inviolably to both, and permitted the assembly to frame such acts as gradually abolished all the remains of episcopal jurisdiction, and paved the way for a full and legal establishment of the Presbyterian model¹.

1591. An event happened soon after, which afforded the Clergy no small triumph. Archbishop Adamson, their ancient opponent, having fallen under the King's displeasure, having been deprived of the revenues of his see in consequence of the act of annexation, and being oppressed with age, with poverty, and diseases, made the meanest submission to the Clergy, and delivered to the assembly a formal recantation of all his opinions concerning Church-government, which had been matter of offence to the Presbyterians. Such a confession, from the most learned person of the Episcopal order, was considered as a testimony which the force of truth had extorted from an adversary².

Disorders in the king-dom. Meanwhile, the King's excessive clemency towards offenders multiplied crimes of all kinds, and encouraged such acts of violence, as brought his government under contempt, and proved fatal to many of his subjects. The history of several years, about this time, is filled with accounts of the deadly quarrels between the great families, and of murders and assassinations perpetrated in the most audacious manner, and with circumstances of the utmost

¹ Cald. iv. 204.

² Spotsw. 385. Cald. iv. 214.

barbary. All the defects in the feudal aristocracy were now felt more sensibly, perhaps, than at any other period in the history of Scotland, and universal licence and anarchy prevailed, to a degree scarce consistent with the preservation of society. While the King, too gentle to punish, or too feeble to act with vigor, suffered all these enormities to pass with impunity.

B O O K
VIII.
1591.

An attempt
of Both-
well's a-
gainst the
King.

But though James connived at real crimes, witchcraft, which is commonly an imaginary one, engrossed his attention, and those suspected of it felt the whole weight of his authority. Many persons, neither extremely old nor wretchedly poor, which were usually held to be certain indications of this crime, but masters of families, and matrons of a decent rank, and in the middle age of life, were seized and tortured. Though their confessions contained the most absurd and incredible circumstances, the King's prejudices, those of the clergy and of the people, conspired in believing their extravagancies, without hesitation, and in punishing their persons without mercy. Some of these unhappy sufferers accused Bothwell of having consulted them in order to know the time of the King's death, and of having employed their art, to raise the storms which had endangered the Queen's life, and had detained James so long in Denmark. Upon this evidence, that nobleman was committed to prison. His turbulent and haughty spirit could neither submit to the restraint, nor brook such an indignity. Having gained his keepers, he made his escape, and imputing the accusation to the artifices of his

BOOK VIII. enemy, the Chancellor, he assembled his followers, under pretence of driving him from the King's councils. Being favored by some of the King's attendants, he was admitted by a secret passage, under cloud of night, into the court of the palace of Holy-rood-house. He advanced directly towards the royal apartment, but happily, before he entered, the alarm was taken, and the doors shut. While he attempted to burst open some of them, and to set fire to others, the citizens of Edinburgh had time to run to their arms, and he escaped with the utmost difficulty; owing his safety to the darkness of the night, and the precipitancy with which he fled¹.

Dec. 27. 1592. He retired towards the north, and the King having unadvisedly given a commission to the Earl of Huntly, to pursue him and his followers, with fire and sword, he, under color of executing that commission, gratified his private revenge, and surrounded the house of the Earl of Murray, burnt it to the ground, and slew Murray himself. Feb. 8. The murder of a young nobleman of such promising virtues, and the heir of the Regent Murray, the darling of the people, excited universal indignation. The citizens of Edinburgh rose in a tumultuous manner; and though they were restrained, by the care of the magistrates, from any act of violence, they threw aside all respect for the King and his ministers, and openly insulted and threatened both. While this mutinous spirit continued, James thought it prudent to withdraw

¹ Melv. 388. Spotifw. 386.

from the city, and fixed his residence for some time at Glasgow. There Huntly surrendered himself to justice; and, notwithstanding the atrociousness of his crime, and the clamors of the people, the power of the Chancellor, with whom he was now closely confederated, and the King's regard for the memory of the Duke of Lenox, whose daughter he had married, not only protected him from the sentence which such an odious action merited, but exempted him even from the formality of a public trial.^{*}

B O O K
VIII.
1592.

Presbyterian Church government established by law.

A step of much importance was taken, soon after, with regard to the government of the church. The Clergy had long complained of the encroachments made upon their privileges and jurisdiction by the acts of the parliament one thousand five hundred and eighty-four, and though these laws had now lost much of their force, they resolved to petition the parliament, which was approaching, to repeal them in form. The juncture for pushing such a measure was well chosen. The King had lost much of the public favor by his lenity towards the Popish faction, and still more by his remissness in pursuing the murderers of the Earl of Murray. The Chancellor had not only a powerful party of the courtiers combined against him, but was become odious to the people, who imputed to him every false step in the King's conduct. Bothwell still lurked in the kingdom, and being secretly supported by all the enemies of Maitland's adminis-

* Spottw. 387.

BOOK VIII. tration, was ready, every moment, to renew his audacious enterprises. James, for all these reasons, was extremely willing to indulge the Clergy in their request, and not only consented to a law, whereby the acts of one thousand five hundred and eighty-four were rescinded or explained, but he carried his complaisance still further, and permitted the Parliament to establish the Presbyterian government, its General Assemblies, Provincial synods, Presbyteries, and Kirk-sessions, with all the different branches of their discipline and jurisdiction, in the most ample manner. All the zeal and authority of the Clergy, even under the administration of Regents, from whom they might have expected the most partial favor, could not obtain the sanction of law, in confirmation of their mode of Ecclesiastical government. No Prince was ever less disposed than James to approve a system, whose republican genius inspired a passion for liberty, so repugnant to his exalted notions of royal prerogative. Nor could any aversion be more inveterate than his, to the austere and uncompromising character of the Presbyterian Clergy in that age; who, more eminent for zeal than for policy, often contradicted his opinions, and censured his conduct, with a freedom equally offensive to his dogmatism as a Theologian, and to his pride as a King. His situation, however, obliged him frequently to conceal, or to dissemble his sentiments; and as he often disgusted his subjects, by indulging the Popish faction more than they approved, he endeavoured to atone for this by concessions to the Presbyterian Clergy,

more liberal than he himself would otherwise have chosen to grant¹. BOOK
VIII.
1592.

In this Parliament, Bothwell and all his adherents were attainted. But he soon made a new attempt to seize the King at Falkland; and James, betrayed by some of his courtiers, and feebly defended by others, who wished well to Bothwell, as the Chancellor's avowed enemy, owed his safety to the fidelity and vigilance of Sir Robert Melvil, and to the irresolution of Bothwell's associates².

Scarcely was this danger over, when the nation was alarmed with the discovery of a new and more formidable conspiracy. George Ker, the Lord Newbattle's brother, being seized as he was ready to set sail for Spain, many suspicious papers were found in his custody, and among these, several blanks signed by the Earls of Angus, Huntly, and Errol. By this extraordinary precaution they hoped to escape any danger of discovery. But Ker's resolution shrinking when torture was threatened, he confessed that he was employed by these noblemen to carry on a negotiation with the King of Spain; that the blanks subscribed with their names were to be filled up by Crichton and Tyrie; that they were instructed to offer the faithful service of the three Earls to that Monarch; and to solicit him to land a body of his troops, either in Galloway, or at the mouth of Clyde, with which they undertook, in the first place, to establish the Roman Catholic Religion.

A new con-
spiracy of
the r'opish
Lords.

¹ Cald. iv. 248. 252. Spotsw. 388.

² Melv. 402.

BOOK VIII. in Scotland, and then to invade England with the whole forces of the kingdom. David Graham of Fintry, and Barclay of Ladyland, whom he accused of being privy to the conspiracy, were taken into custody, and confirmed all the circumstances of his confession'.

1593.
Zeal of the
people,

and pro-
ceedings of
the King
against
them.

The nation having been kept for some time in continual terror and agitation by so many successive conspiracies, the discovery of this new danger completed the panic. All ranks of men, as if the enemy had already been at their gates, thought themselves called upon to stand forth in defence of their country. The Ministers of Edinburgh, without waiting for any warrant from the King, who happened at that time to be absent from the capital, and without having received any legal commission, assembled a considerable number of Peers and Barons, in order to provide an instant remedy against the impending danger. They seized the Earl of Angus, and committed him to the castle; they examined Ker; and prepared a remonstrance to be laid before the King, concerning the state of the nation; and the necessity of prosecuting the conspirators with becoming vigor. James, though jealous of every encroachment on his prerogative, and offended with subjects, who, instead of petitioning, seemed to prescribe to him, found it necessary, during the violence of the ferment, not only to adopt their plan, but even to declare that no consideration should ever induce him to pardon those who had been

* Rymer, xvi. 190.

guilty of so odious a treason. He summoned the Earls of Huntly and Errol to surrender themselves to justice. Graham of Fintry, whom his peers pronounced to be guilty of treason, he commanded to be publicly beheaded; and marching into the North at the head of an army, the two Earls, together with Angus, who had escaped out of prison, retired to the mountains. He placed garrisons in the castles which belonged to them; compelled their vassals, and the Barons in the adjacent counties, to subscribe a bond containing professions of their loyalty towards him, and of their firm adherence to the Protestant faith, and, the better to secure the tranquillity of that part of the kingdom, constituted the Earls of Athol and Marischal his Lieutenants there*.

Having finished this expedition, James returned to Edinburgh, where he found Lord Borrough, an extraordinary ambassador from the court of England. Elizabeth, alarmed at the discovery of a conspiracy which she considered as no less formidable to her own kingdom than to Scotland, reproached James with his former remissness, and urged him, as he regarded the preservation of the Protestant religion, or the dignity of his own Crown, to punish this repeated treason with rigor; and if he could not apprehend the persons, at least to confiscate the estates, of such audacious rebels. She weakened however the force of these requests, by interceding at the same time in behalf of Bothwell, whom, according to

B O O K

VIII.

1693:

Jan. 8.

March 12.
Elizabeth
sollicits him
to treat
them with
rigor.

* Spotsw. 301. Cald. iv. 291.

BOOK VIII. her usual policy in nourishing a factious spirit among the Scottish nobles, she had taken under her protection. James absolutely refused to listen to any intercession in favor of one, who had so often, and with so much outrage, insulted both his government and his person. With regard to the Popish conspirators, he declared his resolution to prosecute them with vigor; but that he might be the better able to do so, he demanded a small sum of money from Elizabeth, which she, distrustful perhaps of the manner in which he might apply it, showed no inclination to grant. The zeal, however, and importunity of his own subjects obliged him to call a Parliament, in order to pass an act of attainder against the three Earls. But before it met, Ker made his escape out of prison, and, on pretence that legal evidence of their guilt could not be produced, nothing was concluded against them. The King himself was universally suspected of having contrived this artifice, on purpose to elude the requests of the Queen of England, and to disappoint the wishes of his own people; and therefore, in order to sooth the Clergy, who exclaimed loudly against his conduct, he gave way to the passing of an act, which ordained those who obstinately contemned the censures of the Church to be declared out-laws^{*}.

Bothwell
surprises
the King.

While the terror excited by the Popish conspiracy possessed the nation, the court had been divided by two rival factions, which contended for the chief direction of affairs. At the head of

* Cald. iv. 343. Spots. 393. Parl. 13 Jac. VI. c. 154.

one , was the Chancellor , in whom the King repos'd entire confidence. For that very reason , perhaps , he had fallen early under the Queen's displeasure. The Duke of Lenox , the Earl of Athol , Lord Ochiltree , and all the name of Stewart espoused her quarrel , and widened the breach. James , fond no less of domestic tranquillity , than of public peace , advised his favorite to retire , for some time , in hopes that the Queen's resentment would subside. But as he stood in need , in the present juncture , of the assistance of an able Minister , he had recalled him to court. In order to prevent him from recovering his former power , the Stewarts had recourse to an expedient no less illegal than desperate. Having combined with Bothwell , who was of the same surname , they brought him back secretly into Scotland ; and seizing the gates of the palace , introduced him into the royal apartment with a numerous train of armed followers. James , though deserted by all his courtiers , and incapable of resistance , discovered more indignation than fear , and reproaching them for their treachery , called on the Earl to finish his treasons , by piercing his Sovereign to the heart. But Bothwell fell on his knees , and implored pardon. The King was not in a condition to refuse his demands. A few days after he signed a capitulation with this successful traitor , to whom he was really a prisoner , whereby he bound himself to grant him a remission for all past offences , and to procure the ratification of it in Parliament ; and in the mean time to dismiss the Chancellor , the master of Gla-

BOOK

VIII.

1593.

July 24.

BOOK VIII. mis, Lord Home, and Sir George Home, from his councils and presence. Bothwell, on his part, consented to remove from court, though he left there as many of his associates as he thought sufficient to prevent the return of the adverse faction.

He recovers his liberty. But it was now no easy matter to keep the King under the same kind of bondage, to which he had been often subject during his minority. He discovered so much impatience to shake off his fetters, that those who had imposed, durst not continue, the restraint. They permitted him to call a Convention of the nobles at Stirling, and to repair thither himself. All Bothwell's enemies, and all who were desirous of gaining the King's favor by appearing to be so, obeyed the summons. They pronounced the insult offered to the King's person and authority to be high treason, and declared him absolved from any obligation to observe conditions extorted by force, and which violated so essentially his royal prerogative. James, however, still proffered him a pardon, provided he would sue for it as an act of mercy, and promise to retire out of the kingdom. These conditions Bothwell rejected with disdain, and betaking himself once more to arms, attempted to surprise the King; but finding him on his guard, fled to the borders ¹¹.

Suspected of favoring the Popish Lords. The King's ardor against Bothwell, compared with his slow and evasive proceedings against the Popish Lords, occasioned a general disgust among his subjects; and was imputed either to an

¹¹ Cald. iv. 326. Spotsw. 395.

excessive attachment to the persons of those conspirators, or to a secret partiality towards their opinions; both which gave rise to no unreasonable fears. The Clergy, as the immediate guardians of the Protestant Religion, thought themselves bound, in such a juncture, to take extraordinary steps for its preservation. The provincial synod of Fife happening to meet at that time, a motion was made to excommunicate all concerned in the late conspiracy, as obstinate and irreclaimable Papists; and though none of the conspirators resided within the bounds of the synod, or were subject to its jurisdiction, such was the zeal of the members, that, overlooking this irregularity, they pronounced against them the sentence of excommunication, to which the act of last parliament added new terrors. Lest this should be imputed to a few men, and accounted the act of a small part of the church, deputies were appointed to attend the adjacent synods, and to desire their approbation and concurrence.

An event happened; a few weeks after, which increased the people's suspicions of the King. As he was marching on an expedition against the borderers, the three Popish Earls coming suddenly into his presence, offered to submit themselves to a legal trial; and James, without committing them to custody, appointed a day for that purpose. They prepared to appear with a formidable train of their friends and vassals. But, in the mean time, the Clergy, together with many Peers and Barons, assembling at Edinburgh, remonstrated against the King's extreme indulgence with great

B O O K
VIII.
1593.
Sept. 25.

His lenity
towards
them.
Oct. 17.

BOOK VIII. boldness, and demanded of him, according to the regular course of justice, to commit to sure custody persons charged with the highest acts of treason, who could not be brought to a legal trial, until they were absolved from the censures of the Church; and to call a Convention of estates, to deliberate concerning the method of proceeding against them. At the same time they offered to accompany him in arms to the place of trial, lest such audacious and powerful criminals should overawe justice, and dictate to the judges to whom they pretended to submit. James, though extremely offended both with the irregularity of their proceedings, and the presumption of their demands, found it expedient to put off the day of trial, and to call a Convention of estates, in order to quiet the fears and jealousies of the people. By being humored in this point, their suspicions began gradually to abate, and the Chancellor managed the Convention so artfully, that he himself, together with a few other members, was impowered to pronounce a final sentence upon the conspirators. After much deliberation, they ordained, that the three Earls, and their associates, should be exempted from all further inquiry or prosecution, on account of their correspondence with Spain; that, before the first day of February, they should either submit to the Church, and publicly renounce the errors of Popery, or remove out of the kingdom; that, before the first of January, they should declare which of these alternatives they would embrace; that they should find surety for their peaceable demeanour for the future; and that if they failed to

Nov. 26.

signify their choice in due time, they should lose the benefit of this act of *abolition*, and remain exposed to all the pains of law".

B O O K
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By this lenity towards the conspirators, James incurred much reproach, and gained no advantage. Devoted to the Popish superstition, submissive to all the dictates of their priests, and buoyed up with hopes and promises of foreign aid, the three Earls refused to accept of the conditions, and continued their treasonable correspondence with the court of Spain. A Convention of estates pronounced them to have forfeited the benefit of the articles which were offered; and the King required them, by proclamation, to surrender themselves to justice. The presence of the English ambassador contributed, perhaps, to the vigor of these proceedings. Elizabeth, ever attentive to James's motions, and imputing his reluctance to punish the Popish Lords to a secret approbation of their designs, had sent Lord Zouche to represent, once more, the danger to which he exposed himself, by this false moderation; and to require him to exercise that rigor, which their crimes, as well as the posture of affairs, rendered necessary. Though the steps now taken by the King silenced all complaints on that head, yet Zouche, forgetful of his character as an ambassador, entered into private negotiations with such of the Scottish nobles as disapproved of the King's measures, and held almost an open correspondence with Bothwell, who, according to the usual arti-

1594.

JAN. 18.

¹¹ Cald. iv. 330. Spotsw. 397.

BOOK VIII. fice of malecontents, pretended much solicitude for reforming the disorders of the commonwealth; and covered his own ambition with the specious veil of zeal against those Counsellors who restrained the King from pursuing the avowed enemies of the Protestant faith. Zouche encouraged him, in the name of his Mistress, to take arms against his Sovereign.

A new at-
tempt of
Bothwell's.

Meanwhile, the King and the Clergy were filled with mutual distrust of each other. They were jealous, perhaps, to excess, that James's affections leaned too much towards the Popish faction; he suspected them, without good reason, of prompting Bothwell to rebellion, and even of supplying him with money for that purpose. Little instigation, indeed, was wanting to rouse such a turbulent spirit as Bothwell's, to any daring enterprise. He appeared suddenly within a mile of Edinburgh, at the head of four hundred horse. The pretences, by which he endeavoured to justify this insurrection, were extremely popular; zeal for religion, enmity to Popery, concern for the King's honor, and for the liberties of the nation. James was totally unprovided for his own defence; he had no infantry, and was accompanied only with a few horsemen of Lord Home's train. In this extremity, he implored the aid of the citizens of Edinburgh, and, in order to encourage them to act with zeal, he promised to proceed against the Popish Lords with the utmost rigor of law. Animated by their Ministers, the citizens ran cheerfully to their arms, and advanced, with the King at their head, against

Bothwell;

Bothwell; but he, notwithstanding his success in ~~BOOK~~
putting to flight Lord Home, who had rashly - viii.
charged him with a far inferior number of cavalry,
retired to Dalkeith without daring to attack the
King. His followers abandoned him soon after, and,
discouraged by so many successive disappointments,
could never afterwards be brought to venture into
the field. He betook himself to his usual lurking-
places in the North of England; but Elizabeth, in
compliance with the King's remonstrances, obliged
him to quit that retreat ^{1594.} ¹¹.

No sooner was the king delivered from one danger, than he was called to attend to another. The Popish Lords, in consequence of their negotiations with Spain, received, in the spring, a supply of money from Philip. What bold designs this might inspire, it was no easy matter to conjecture. From men under the dominion of bigotry, and whom indulgence could not reclaim, the most desperate actions were to be dreaded. The assembly of the Church immediately took the alarm; remonstrated against them with more bitterness than ever; and unanimously ratified the sentence of excommunication pronounced by the synod of Fife. James himself, provoked by their obstinacy and ingratitude, and afraid that his long forbearance would not only be generally displeasing to his own subjects, but give rise to unfavorable suspicions among the English, exerted himself with unusual vigor. He called a Parliament; laid

Fresh dan-
gers from
the Popish
Lords.
April 3.

June 2.

¹¹ Spots. 403. Cald. iv. 359.

BOOK VIII. before it all the circumstances and aggravations of the conspiracy; and though there were but few members present, and several of these connected with the conspirators by blood or friendship, he prevailed on them, by his influence and importunity, to pronounce the most rigorous sentence which the law can inflict. They were declared to be guilty of high treason, and their estates and honors forfeited. At the same time, statutes, more severe than ever, were enacted against the professors of the Popish religion.

Battle of Glencivat. How to put this sentence in execution, was a matter of great difficulty. Three powerful Barons, cantoned in a part of the country of difficult access, surrounded with numerous vassals, and supported by aid from a foreign Prince, were more than an overmatch for a Scottish Monarch. No entreaty could prevail on Elizabeth to advance the money, necessary for defraying the expenses of an expedition against them. To attack them in person, with his own forces alone, might have exposed James both to disgrace and to danger. He had recourse to the only expedient which remained in such a situation, for aiding the impotence of Sovereign authority; he delegated his authority to the Earl of Argyll and Lord Forbes, the leaders of two clans at enmity with the conspirators; and gave them a commission to invade their lands, and to seize the castles which belonged to them. Bothwell, notwithstanding all his high pretensions of zeal for the Protestant religion, having now entered into a close confederacy with them, the danger became every day more urging.

Argyll, solicited by the King, and roused by the Clergy, took the field at the head of seven thousand men. Huntly and Errol met him at Glenlivat, with an army far inferior in number, but composed chiefly of gentlemen of the low countries, mounted on horseback, and who brought along with them a train of field-pieces. They encountered each other with all the fury which hereditary enmity and ancient rivalship add to undisciplined courage. But the

- Highlanders, disconcerted by the first discharge of the cannon, to which they were little accustomed, and unable to resist the impression of cavalry, were soon put to flight; and Argyll, a gallant young man of eighteen, was carried by his friends out of the field, weeping with indignation at their disgrace, and calling on them to stand, and to vindicate the honor of their name".

B O O K

VIII.

1594.

Oct. 31.

1595.

On the first intelligence of this defeat, James, though obliged to pawn his jewels in order to raise money", assembled a small body of troops, and marched towards the North. He was joined by the Irvines, Keiths, Leslys, Forbeses, and other clans at enmity with Huntly and Errol, who having lost several of their principal followers at Glenlivat, and others refusing to bear arms against the King in person, were obliged to retire to the mountains. James wasted their lands; put garrisons in some of their castles; burnt others; and left the Duke of Lenox as his Lieutenant in that part of the kingdom, with a body of men sufficient to restrain them from

"Cald. iv. 408.

" Birch, Mem. i. 186.

BOOK VIII. gathering to any head there, or from infesting the low country. Reduced at last to extreme distress by the rigor of the season, and the desertion of their followers, they obtained the King's permission to go beyond seas, and gave security that they should neither return without his licence, nor engage in any new intrigues against the Protestant religion, or the peace of the kingdom¹⁵.

**Popish
Lords driven
out of the
Kingdom.**

**The Roman
Catholics
incensed
against
James.**

By their exile, tranquillity was re-established in the North of Scotland; and the firmness and vigor which James had displayed in his last proceedings against them, regained him, in a great degree, the confidence of his Protestant subjects. But he funk, in the same proportion, and for the same reason, in the esteem of the Roman Catholics. They had asserted his mother's right to the Crown of England with so much warmth, that they could not, with any decency, reject his; and the indulgence, with which he affected to treat the professors of that religion, inspired them with such hopes, that they viewed his accession to the throne as no undesirable event. But the rigor with which the King had lately pursued the conspirators, and the severe statutes against Popery to which he had given his consent, convinced them that these hopes were visionary; and they began to look about in quest of some new successor, whose rights they might oppose to his. The Papists who resided in England turned their eyes towards the Earl of Essex, whose generous mind, though firmly established in the Protestant faith,

¹⁵ Spotsw. 404. Cald. 373, &c.

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VIII.
1595.

abhorred the severities inflicted in that age on account of religious opinions. Those of the same sect, who were in exile, formed a bolder scheme, and one more suitable to their situation. They advanced the claim of the Infanta of Spain; and Parsons the Jesuit published a book, in which, by false quotations from history, by fabulous genealogies, and absurd arguments, intermingled with bitter invectives against the King of Scots, he endeavoured to prove the Infanta's title to the English Crown to be preferable to his. Philip, though involved already in a war both with France and England, and scarce able to defend the remains of the Burgundian provinces against the Dutch commonwealth, eagerly grasped at this airy project. The dread of a Spanish Pretender to the Crown, and the opposition which the Papists began to form against the King's succession, contributed not a little to remove the prejudices of the Protestants, and to prepare the way for that event.

Bothwell, whose name has been so often mentioned as the disturber of the King's tranquillity and of the peace of the kingdom, was now in a wretched condition. Abandoned by the Queen of England, on account of his confederacy with the Popish Lords; excommunicated by the Church for the same reason; and deserted, in his distress, by his own followers; he was obliged to fly for safety to France, and thence to Spain and Italy, where, after renouncing the Protestant faith, he led many years an obscure and indigent life, remarkable only for a low and infamous debauchery. The King, though extremely ready to sacrifice the strong-

Bothwell
forced to fly
into Spain.

BOOK
VIII.
1595.

lest resentment to the slightest acknowledgment, could never be softened by his submission, nor be induced to listen to any intercession in his behalf¹⁶.

This year the King lost Chancellor Maitland, an able Minister, on whom he had long devolved the whole weight of public affairs. As James loved him while alive, he wrote, in honor of his memory, a copy of verses, which, when compared with the compositions of that age, are far from being inelegant¹⁷.

A change in the administration. Soon after his death, a considerable change was made in the administration. At that time, the annual charges of government far exceeded the King's revenues. The Queen was fond of expensive amusements. James himself was a stranger to economy. It became necessary, for all these reasons, to levy the public revenues with greater order and rigor, and to husband them with more care. This important trust was committed to eight gentlemen of the law¹⁸, who, from their number, were called *Ottavians*. The powers vested in them were ample, and almost unlimited. The King bound himself neither to add to their number, nor to supply any vacancy that might happen, without their consent: And knowing the facility of his own temper, agreed that no alienation of his revenue, no grant of a

¹⁶ Winw. Mem. i. Spots. 410. ¹⁷ Id. 411.

¹⁸ Alexander Seaton President of the Session, Walter Stewart Commendator of Blantyre Lord Privy Seal, David Carnegie, John Lindsay, James Elphington, Thomas Hamilton, John Skene Clerk Register, and Peter Young Elemosynar.

pension, or order on the treasury, should be held valid, unless it were ratified by the subscription of five of the commissioners; all their acts and decisions were declared to be of equal force with the sentence of judges in civil courts; and in consequence of them, and without any other warrant, any person might be arrested, or their goods seized. Such extensive jurisdiction, together with the absolute disposal of the public money, drew the whole executive part of the government into their hands. United among themselves, they gradually undermined the rest of the King's Ministers, and seized on every lucrative or honorable office. The ancient servants of the Crown repined at being obliged to quit their stations to new men. The favorites and young courtiers murmured at seeing the King's liberality stinted by their prescriptions. And the Clergy exclaimed against some of them as known apostates to Popery, and suspected others of secretly favoring it. They retained their power, however, notwithstanding this general combination against them; and they owed it entirely to the order and œconomy which they introduced into the administration of the finances, by which the necessary expenses of government were more easily defrayed than in any other period of the King's reign".

BOOK

VII.

1595.

1596.

Violence of
the nation
against the
Popish
Lords.

The rumor of vast preparations which Philip was said to be carrying on at this time, filled both England and Scotland with the dread of a new invasion. James took proper measures for the

² Spotsw. 413. 435.

BOOK VIII. 1596. defence of his kingdom. But these did not satisfy the zeal of the Clergy, whose suspicions of the King's sincerity began to revive; and as he had permitted the wives of the banished Peers to levy the rents of their estates, and to live in their houses, they charged him with rendering the act of forfeiture ineffectual, by supporting the avowed enemies of the Protestant faith. The assembly of the Church took under consideration the state of the Kingdom, and having appointed a day of public fasting, they solemnly renewed the Covenant, by which the nation was bound to adhere to the Protestant faith, and to defend it against all aggressors. A committee, consisting of the most eminent Clergymen, and of many Barons and gentlemen of distinction, waited on the King, and laid before him a plan for the security of the kingdom, and the preservation of religion. They urged him to appropriate the estates of the banished Lords as a fund for the maintenance of soldiers; to take the strictest precautions for preventing the return of such turbulent subjects into the country; and to pursue all who were suspected of being their adherents with the utmost rigor.

The King's remissness with regard to them.

Nothing could be more repugnant to the King's schemes, or more disagreeable to his inclination, than these propositions. Averse, through his whole life, to any course where he expected opposition or danger; and fond of attaining his ends with the character of moderation, and by the arts of policy, he observed with concern the prejudices against him which were growing among the Roman Catholics, and resolved to make some

atonement for that part of his conduct which had drawn upon him their indignation. Elizabeth was now well advanced in years; her life had lately been in danger; if any Popish competitor should arise to dispute his right of succession, a faction so powerful as that of the banished Lords might be extremely formidable; and any division among his own subjects might prove fatal at a juncture which would require their united and most vigorous efforts. Instead, therefore, of the additional severities which the Assembly proposed, James had thoughts of mitigating the punishment which they already suffered. And as they were surrounded, during their residence in foreign parts, by Philip's emissaries; as resentment might dispose them to listen more favorably than ever to their suggestions; as despair might drive them to still more atrocious actions; he resolved to recall them, under certain conditions, into their native country. Encouraged by these sentiments of the King in their favor, of which they did not want intelligence, and wearied already of the dependent and anxious life of exiles, they ventured to return secretly into Scotland. Soon after, they presented a petition to the King, begging his permission to reside at their own houses, and offering to give security for their peaceable and dutiful behaviour. James called a Convention of estates to deliberate on a matter of such importance, and by their advice he granted the petition.

As soon as they were informed of this, the members of a committee, appointed by the last General Assembly, met at Edinburgh, and with

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The rash
proceedings
of the
Clergy and
people.

BOOK VIII. 1596. all the precipitancy of fear, and of zeal, took such resolutions as they thought necessary for the safety of the kingdom. They wrote circular letters to all the Presbyteries in Scotland; they warned them of the approaching danger; they exhorted them to stir up their people to the defence of their just rights; they commanded them to publish, in all their pulpits, the act excommunicating the Popish Lords; and enjoined them to lay all those who were suspected of favoring Popery under the same censure by a summary sentence, and without observing the usual formalities of trial. As the danger seemed too pressing to wait for the stated meetings of the judicatories of the Church, they made choice of the most eminent Clergymen in different corners of the kingdom, appointed them to reside constantly at Edinburgh, and to meet every day with the Ministers of that city, under the name of the *Standing Council of the Church*, and vested in this body the supreme authority, by enjoining it, in imitation of the ancient Roman form, to take care that the Church should receive no detriment.

These proceedings, no less unconstitutional than unprecedented, were manifest encroachments on the royal prerogative, and bold steps towards open rebellion. The King's conduct, however, justified in some degree such excesses. His lenity towards the Papists, so repugnant to the principles of that age; his pardoning the conspirators, notwithstanding repeated promises to the contrary; the respect he paid to Lady Huntly, who was attached to the Romish religion no less than her

husband; his committing the care of his daughter, the Princess Elizabeth, to Lady Levington, who was infected with the same superstition; the contempt with which he talked, on all occasions, both of the character of Ministers, and of their function; were circumstances which might have filled minds, not prone by nature to jealousy, with some suspicions; and might have precipitated into rash councils those who were far removed from intemperate zeal. But, however powerful the motives might be which influenced the Clergy, or however laudable the end they had in view, they conducted their measures with no address, and even with little prudence. James discovered a strong inclination to avoid a rupture with the Church, and, jealous as he was of his prerogative, would willingly have made many concessions for the sake of peace. By his command, some of the Privy Counsellors had an interview with the more moderate among the Clergy, and inquired whether Huntly and his associates might not, upon making proper acknowledgments, be again received into the bosom of the Church, and be exempted from any further punishment on account of their past apostacy and treasons. They replied, that though the gate of mercy stood always open for those who repented and returned, yet as these noblemen had been guilty of idolatry, a crime deserving death both by the law of God and of man, the civil magistrate could not legally grant them a pardon; and even though the Church should absolve them, it was his duty to inflict punishment upon them. This inflexibility in those

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Seditious
doctrine
taught by
Black.

Nov. 10.
The Clergy
espouse his
defence.

who were reckoned the most compliant of the order, filled the King with indignation, which the imprudence and obstinacy of a private Clergyman heightened into rage.

Mr. David Black, Minister at St. Andrew's, discoursing in one of his sermons, according to custom, concerning the state of the nation, affirmed that the King had permitted the Popish Lords to return into Scotland, and by that action had discovered the treachery of his own heart; that all Kings were the Devil's children; that Satan had now the guidance of the court; that the Queen of England was an atheist; that the judges were miscreants and bribers; the nobility godless and degenerate; the Privy Counsellors cormorants, and men of no religion; and in his prayer for the Queen he used these words, we must pray for her for fashion sake, but we have no cause, she will never do us good. James commanded him to be summoned before the Privy Council, to answer for such seditious expressions; and the Clergy, instead of abandoning him to the punishment which such a petulant and criminal attack on his superiors deserved, were so imprudent as to espouse his cause, as if it had been the common one of the whole order. The controversy concerning the immunities of the pulpit, and the rights of the Clergy to testify against vices of every kind, which had been agitated in one thousand five hundred and eighty-four, was now revived. It was pretended that, with regard to their sacred function, Ministers were subject to the Church alone; that it belonged only to their

ecclesiastical superiors to judge of the truth or falsehood of doctrines delivered in the pulpit; that if, upon any pretence whatever, the King usurped this jurisdiction, the Church would, from that moment, sink under servitude to the civil magistrate; that, instead of reprobating vice with that honest boldness which had often been of advantage to individuals, and salutary to the kingdom, the Clergy would learn to flatter the passions of the Prince, and to connive at the vices of others; that the King's eagerness to punish the indiscretion of a Protestant Minister, while he was so ready to pardon the crimes of Popish conspirators, called on them to stand upon their guard, and that now was the time to contend for their privileges, and to prevent any encroachment on those rights, of which the Church had been in possession ever since the Reformation. Influenced by these considerations, the Council of the Church enjoined Black to decline the jurisdiction of the Privy Council. Proud of such an opportunity to display his zeal, he presented a paper to that purpose, and with the utmost firmness refused to plead, or to answer the questions which were put to him. In order to add greater weight to these proceedings, the Council of the Church transmitted the *declinature* to all the Presbyteries throughout the kingdom, and enjoined every Minister to subscribe it in testimony of his approbation.

James defended his rights with no less vigor than they were attacked. Sensible of the contempt under which his authority must fall, if the Clergy should be permitted publicly, and with

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impunity, to calumniate his Ministers, and even to censure himself, and knowing, by former examples, what unequal reparation for such offences he might expect from the judicatories of the Church, he urged on the inquiry into Black's conduct, and issued a proclamation, commanding the Members of the Council of the Church to leave Edinburgh, and to return to their own parishes. Black, instead of submitting, renewed his *declinature*; and the members of the Council, in defiance of the proclamation, declared, that as they met by the authority of the Church, obedience to it was a duty still more sacred than that which they owed to the King himself. The Privy Council, notwithstanding Black's refusing to plead, proceeded in the trial; and, after a solemn inquiry, pronounced him guilty of the crimes of which he had been accused; but referred it to the King to appoint what punishment he should suffer. Meanwhile, many endeavours were used to bring matters to accommodation. Almost every day produced some new scheme of reconciliation; but through the King's fickleness, the obstinacy of the Clergy, or the intrigues of the courtiers, they all proved ineffectual. Both parties appealed to the people, and by reciprocal and exaggerated accusations endeavoured to render each other odious. Insolence, sedition, treason, were the crimes with which James charged the Clergy; while they made the pulpits resound with complaints of his excessive lenity towards Papists, and of the no less excessive rigor with which he oppressed the established Church. Exasperated

by their bold invectives , he , at last, sentenced Black to retire beyond the river Spey , and to reside there during his pleasure ; and once more commanding the members of the Standing Council to depart from Edinburgh , he required all the Ministers in the kingdom to subscribe a bond , obliging themselves to submit , in the same manner as other subjects , to the jurisdiction of the civil courts in matters of a civil nature.

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This decisive measure excited all the violent passions which possess disappointed factions ; and deeds no less violent immediately followed. These must be imputed in part to the artifices of some courtiers , who expected to reap advantage from the calamities of their country , or who hoped to lessen the authority of the Octavians , by engaging them in hostilities with the church. On one hand , they informed the King that the citizens of Edinburgh were under arms every night , and had planted a strong guard round the houses of their ministers. James , in order to put a stop to this imaginary insult on his government , issued a proclamation , commanding twenty-four of the principal citizens to leave the town within six hours. On the other hand , they wrote to the Ministers , advising them to look to their own safety , as Huntly had been secretly admitted to an interview with the King , and had been the author of the severe proclamation against the citizens of Edinburgh **. They doubted no more of the truth

A tumult in
Edinburgh.

** Though matters were industriously aggravated by persons , who wished both parties to pursue violent measures ; neither of

BOOK VIII. of this intelligence, than the King had done of that
 1696. The letter came to their hands just as one of their number was going to mount the pulpit. They resolved that he should acquaint the people of their danger: and he painted it with all the strong colors which men naturally employ in describing any dreadful and instant calamity. When the sermon was over, he desired the nobles and gentlemen to assemble in the *Little Church*. The whole multitude, terrified at what they had heard, crowded thither; they promised and vowed to stand by the Clergy; they drew up a petition to the King, craving the redress of those grievances, of which the Church complained, and beseeching him to deliver them from all future apprehensions of danger, by removing such of his Counsellors as were known to be enemies of the Protestant religion. Two Peers, two Gentlemen, two Burgesses, and two Ministers, were appointed to present it. The King happened to be in the great hall of the Tolbooth, where the court of session was sitting. The manner in which the petition was delivered, as well as its contents, offended him. He gave a haughty reply; the petitioners insisted with warmth; and a promiscuous multitude pressing into the room, James

The King
is danger.

these reports was altogether destitute of foundation. As their Ministers were supposed to be in danger, some of the more zealous citizens had determined to defend them by force of arms. Birch. Mem. ii. 250. Huntly had been privately in Edinburgh, where he had an interview, if not with the King, at least with some of his Ministers. Birch. Ibid. 230.

retired

retired abruptly into another apartment, and commanded the gates to be shut behind him. The deputies returned to the multitude, who were still assembled, and to whom a Minister had been reading, in their absence, the story of Haman. When they reported that the King had refused to listen to their petitions, the Church was filled in a moment with noise, threatenings, execrations, and all the outrage and confusion of a popular tumult. Some called for their arms, some to bring out the wicked Haman; others cried, The sword of the Lord and of Gideon; and, rushing out with the most furious impetuosity, surrounded the Tolbooth, threatening the King himself, and demanding some of his Counsellors, whom they named, that they might tear them in pieces. The magistrates of the city, partly by authority, partly by force, endeavoured to quell the tumult; the King attempted to soothe the malecontents, by promising to receive their petitions, when presented in a regular manner; the Ministers, sensible of their own rashness in kindling such a flame, seconded both; and the rage of the populace subsiding as suddenly as it had risen, they all dispersed, and the King returned to the palace; happy in having escaped from an insurrection, which, though the instantaneous and unconcerted effect of popular fury, had exposed his life to imminent danger, and was considered by him as an unpardonable affront to his authority".

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" Spotsw. 417, &c. Cald. v. 54, &c. Birch. Mem. ii. 235..

BOOK VIII. As soon as he retired, the leaders of the malecontents assembled, in order to prepare their petition. The punishment of the Popish Lords; the removal of those Counsellors who were suspected of favoring their persons or opinions; the repeal of all the late acts of council, subversive of the authority of the Church; together with an act approving the proceedings of the standing council, were the chief of their demands. But the King's indignation was still so high, that the deputies chosen for this purpose, durst not venture that night to present requests which could not fail of kindling his rage anew. Before next morning, James, with all his attendants, withdrew to Linlithgow; the session, and other courts of justice, were required to leave a city where it was no longer consistent either with their safety, or their dignity to remain; and the noblemen and barons were commanded to return to their own houses, and not to reassemble without the King's permission. The vigor with which the King acted, struck a damp upon the spirits of his adversaries. The citizens, sensible how much they would suffer by his absence, and the removal of the courts of justice, repented already of their conduct. The Ministers alone resolved to maintain the contest. They endeavoured to prevent the nobles from dispersing; they inflamed the people by violent invectives against the King; they labored to procure subscriptions to an association for their mutual defence; and conscious what lustre and power the junction of some of the greater nobles would add to their cause, the Ministers of Edin-

He leaves Edinburgh, and proceeds with severity against the citizens.

burgh wrote to Lord Hamilton, that the people, B O O K
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moved by the word of God, and provoked by the
injuries offered to the Church, had taken arms;
that many of the nobles had determined to pro-
tect the Protestant religion, which owed its estab-
lishment to the piety and valor of their ancestors;
that they wanted only a leader to unite them, and to
inspire them with vigor; that his zeal for the good
cause, no less than his noble birth, entitled him to
that honor: They conjured him, therefore, not to
disappoint their hopes and wishes, nor to refuse the
suffering Church that aid which she so much needed.
Lord Hamilton, instead, of complying with their
desire, carried the letter directly to the King, whom
this new insult irritated to such a degree, that he
commanded the magistrates of Edinburgh instantly
to seize their Ministers, as manifest incendiaries,
and encouragers of rebellion. The magistrates, in
order to regain the King's favor, were preparing to
obey: and the Ministers, who saw no other hope
of safety, fled towards England".

This unsuccessful insurrection, instead of over-
turning, established the King's authority. Those
concerned in it were confounded and dispersed.
The rest of James's subjects, in order to avoid
suspicion, or to gain his favor, contended who
should be most forward to execute his vengeance.
A Convention of estates being called, pronounced
the late insurrection to be high treason; ordained
every Minister to subscribe a declaration of his

The King
humbles the
power of the
Church.
Jan. 3.

" Spotsw. 451. Cald. v. 126.

BOOK VIII. submission to the King's jurisdiction, in all matters civil and criminal; empowered magistrates to commit, instantly, to prison any Minister, who, in his sermons, should utter any indecent reflections on the King's conduct; prohibited any Ecclesiastical judicatory to meet without the King's licence; commanded that no person should be elected a magistrate of Edinburgh, for the future, without the King's approbation; and that, in the mean time, the present magistrates should either discover and inflict condign punishment on the authors of the late tumult, or the city itself should be subjected to all the penalties of that treasonable action²³.

**Abridges
the privi-
leges of the
citizens of
Edinburgh.** Armed with the authority of these decrees, James resolved to crush entirely the mutinous spirit of his subjects. As the Clergy had, hitherto, derived their chief credit and strength from the favor and zeal of the citizens of Edinburgh, his first care was to humble them. Though the magistrates submitted to him in the most abject terms; though they vindicated themselves, and their fellow-citizens, from the most distant intention of violating his royal person or authority; though, after the strictest scrutiny, no circumstances that could fix on them the suspicion of premeditated rebellion had been discovered; though many of the nobles, and such of the clergy as still retained any degree of favor, interceded in their behalf; neither acknowledgments, nor intercessions, were of the least avail²⁴. The King continued inexorable, the

Feb. 28.

²³ Cald. v. 147.²⁴ Cald. v. 149.

city was declared to have forfeited its privileges as a corporation, and to be liable to all the penalties of treason. The capital of the kingdom, deprived of magistrates, deserted by its ministers, abandoned by the courts of justice, and proscribed by the King, remained in desolation and despair. The courtiers even threatened to raze the city to the foundation, and to erect a pillar where it stood as an everlasting monument of the King's vengeance, and of the guilt of its inhabitants. At last, in compliance with Elizabeth, who interposed in their favor, and moved by the continual solicitations of the nobles, James absolved the citizens from the penalties of law, but at the same time he stripped them of their most important privileges; they were neither allowed to elect their own magistrates, nor their own ministers; many new burdens were imposed on them; and a great sum of money was exacted by way of peace-offering¹⁵.

James was, meanwhile, equally assiduous, and no less successful, in circumscribing the jurisdiction of the Church. Experience had discovered that to attempt this, by acts of parliament, and sentences of privy council, was both ineffectual and odious. He had recourse now to an expedient more artful, and better calculated for obtaining his end. The Ecclesiastical judicatories were composed of many members; the majority of the Clergy "were extremely indigent, and unprovided of legal stipends; the ministers in the neighbourhood of Edinburgh,

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1597.

March 21.

regard to
the Church.

¹⁵ *Spotfw.* 434. 444.

B O O K notwithstanding the parity established by the Presbyterian government, had assumed a leading in the Church, which filled their brethren with envy; every numerous body of men is susceptible of sudden and strong impressions, and liable to be influenced, corrupted, or overawed. Induced by these considerations, James thought it possible to gain the Clergy, whom he had in vain attempted to subdue. Proper agents were set to work all over the kingdom; promises, flattery, and threats were employed; the usurpations of the brethren near the capital were aggravated; the jealousy of their power, which was growing in the distant provinces, was augmented; and two different General Assemblies were held, in both which, notwithstanding the zeal and boldness wherewith a few leading Clergymen defended the privileges of the Church, a majority declared in favor of those measures which were agreeable to the King. Many practices, which had continued since the Reformation, were condemned; many points of discipline, which had hitherto been reckoned sacred and uncontested, were given up; the licence, with which ministers discoursed of political matters, was restrained; the freedom with which they inveighed against particular persons, censured; sentences of summary excommunication declared unlawful; the convoking a General Assembly, without the King's permission, prohibited; and the right of nominating ministers to the principal towns, vested in the Crown. Thus, the Clergy themselves surrendered privileges, which it would have been dangerous to invade, and voluntarily

submitted to a yoke more intolerable than any B O O K
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1597.
James would have ventured to impose by force ; while such as continued to oppose his measures, instead of their former popular topic of the King's violent encroachments on a jurisdiction which did not belong to him , were obliged to turn their outcries against the corruptions of their own order".

By the authority of these General Assemblies , the Popish Earls were allowed to make a public recantation of their errors ; were absolved from the sentence of excommunication ; and received into the bosom of the Church . But , not many years after , they relapsed into their former errors , were again reconciled to the church of Rome , and by their apostacy justified , in some degree , the fears and scruples of the Clergy with regard to their absolution . Popish Lords
pardoned.

The Ministers of Edinburgh owed to the intercession of these assemblies the liberty of returning to their charges in the city . But this liberty was clogged in such a manner as greatly abridged their power . The city was divided into distinct parishes ; the number of Ministers doubled ; persons on whose fidelity the King could rely were fixed in the new parishes ; and these circumstances , added to the authority of the late decrees of the Church , contributed to confirm that absolute dominion in Ecclesiastical affairs , which James possessed during the remainder of his reign .

The King was so intent on new modelling the Church , that the other transactions of this period

²⁶ Spotsw. 433. Cald. v. 189. 233.

BOOK VIII. scarce deserve to be remembered. The Octavians, 1597. envied by the other courtiers, and splitting into factions among themselves, resigned their commission; and the administration of the revenue returning into its former channel, both the King and the nation were deprived of the benefit of their regular and frugal economy.

Dec. 19. Towards the end of the year, a parliament was held in order to restore Huntly and his associates to their estates and honors, by repealing the act of forfeiture passed against them. The authority of this supreme court was likewise employed to introduce a farther innovation into the Church; but, conformable to the system which the King had now adopted, the motion for this purpose took its rise from the Clergy themselves. As the act of general annexation, and that establishing the Presbyterian government, had reduced the few Bishops, who still survived, to poverty and contempt; as those who possessed the Abbeys and Priories were mere laymen, and many of them temporal Peers, few or none of the Ecclesiastical order remained to vote in parliament, and, by means of that, the influence of the Crown was considerably diminished there, and a proper balance to the power and number of the nobles was wanting. But the prejudices the nation had conceived against the name and character of Bishops were so violent, that James was obliged, with the utmost care, to avoid the appearance of a design to revive that order. He prevailed therefore on the Commission appointed by the last General Assembly to complain to the Parliament, that the Ecclesiastics restored to a seat in parliament.

Church was the only body in the kingdom destitute of its representatives in that supreme court, where it so nearly concerned every order to have some, who were bound to defend its rights; and to crave that a competent number of the Clergy should be admitted, according to ancient custom, to a seat there. In compliance with this request, an act was passed, by which those Ministers, on whom the King should confer the vacant Bishoprics and Abbeys, were entitled to a vote in Parliament; and that the Clergy might conceive no jealousy of any encroachment upon their privileges, it was remitted to the General assembly, to determine what spiritual jurisdiction or authority in the government of the Church these persons should possess ²².

The King, however, found it no easy matter to obtain the concurrence of the Ecclesiastical judicatures, in which the act of Parliament met with a fierce opposition. Though the Clergy perceived how much lustre this new privilege would reflect upon their order; though they were not insensible of the great accession of personal power and dignity, which many of them would acquire, by being admitted into the supreme council of the nation, their abhorrence of episcopacy was extreme; and to that they sacrificed every consideration of interest or ambition. All the King's professions of regard for the present constitution of the Church did not convince them of his sincerity; all the devices that could be invented for restraining and

B O O K
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1598.

²² Spotsw. 450. Parl. 15th Jac. VI. c. 235.

BOOK VIII. circumscribing the jurisdiction of such as were to be raised to this new honor, did not diminish their jealousy and fear. Their own experience had taught them, with what insinuating progress the hierarchy advances, and though admitted at first with moderate authority, and under specious pretences, how rapidly it extends its dominion. "Varnish over this scheme, said one of leading Clergymen, with what colors you please; deck the intruder with the utmost art; under all this disguise, I see the horns of his mitre." The same sentiments prevailed among many of his brethren, and induced them to reject power and honors, with as much zeal as ever those of their order courted them. Many, however, were allured by the hopes of preferment; the King himself and his Ministers employed the same arts, which they had tried so successfully last year; and after long debates, and much opposition, the General Assembly declared that it was lawful for Ministers to accept of a seat in Parliament; that, it would be highly beneficial to the Church, to have its representatives in that supreme court; and that fifty-one persons, a number nearly equal to that of the Ecclesiastics, who were anciently called to Parliament, should be chosen from among the Clergy for that purpose. The manner of their election, together with the powers to be vested in them, were left undecided for the present, and furnished matter of future deliberation".

" Spotsw. 450. Cald. v. 278.

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VIII.

1599.
James en-
deavours
with suc-
cess to gain
a party in
England.

As the prospect of succeeding to the Crown of England drew nearer, James multiplied precautions in order to render it certain. As he was allied to many of the Princes of Germany by his marriage, he sent ambassadors extraordinary to their several courts, in order to explain the justness of his title to the English throne, and to desire their assistance, if any competitor should arise to dispute his undoubted rights. These Princes readily acknowledged the equity of his claim; but the aid which they could afford him was distant and feeble. At the same time, Edward Bruce, abbot of Kinloss, his ambassador at the English court, solicited Elizabeth, with the utmost warmth, to recognize his title by some public deed, and to deliver her own subjects from the calamities which are occasioned by an uncertain or disputed succession. But age had strengthened all the passions which had hitherto induced Elizabeth to keep this great question obscure and undecided; and a general and evasive answer was all that James could obtain. As no impression could be made on the Queen, the ambassador was commanded to sound the disposition of her subjects, and to try what progress he could make in gaining them. Bruce possessed all the talents of secrecy, judgment, and address, requisite for conducting a negotiation no less delicate than important. A Minister of this character was entitled to the confidence of the English. Many of the highest rank unbosomed themselves to him without reserve, and gave him repeated assurances of their resolution to assert his master's right, in

BOOK VIII. 1599. opposition to every pretender". As several pamphlets were dispersed, at this time, in England, containing objections to his title, James employed some learned men in his kingdom to answer these cavillers, and to explain the advantages which would result to both kingdoms by the union of the Crowns. These books were eagerly read, and contributed not a little to reconcile the English to that event. A book published this year by the King himself, produced an effect still more favorable. It was entitled *Basilicon Doron*, and contained precepts concerning the art of government, addressed to Prince Henry his son. Notwithstanding the great alterations and refinements in national taste since that time, we must allow this to be no contemptible performance, and not to be inferior to the works of most contemporary writers, either in purity of style or justness of composition. Even the vain parade of erudition with which it abounds, and which now disgusts us, raised the admiration of that age; and as it was filled with those general rules which speculative authors deliver for rendering a nation happy, and of which James could discourse with great plausibility, though often incapable of putting them in practice, the English conceived a high opinion of his abilities, and expected an increase of national honor and prosperity, under a Prince so profoundly skilled in politics, and who gave such a specimen both of his wisdom and of his love to his people".

²² Johnst. 242. ²² Camd. Spotsw. 457.

The Queen of England's sentiments concerning James, were very different from those of her subjects. His excessive indulgence towards the Popish Lords; the facility with which he pardoned their repeated treasons; his restoring Beaton, the Popish Archbishop of Glasgow, who had fled out of Scotland at the time of the Reformation, to the possession of the temporalities of that benefice; the appointing him his Ambassador at the court of France; the applause he bestowed, in the Basilicon Doron, on those who adhered to the Queen his mother, Elizabeth considered as so many indications of a mind alienated from the Protestant religion; and suspected that he would soon revolt from the profession of it. These suspicions seemed to be fully confirmed by a discovery which came from the Master of Gray, who resided at that time in Italy, and who, rather than suffer his intriguing spirit to be idle, demeaned himself so far as to act as a spy for the English court. He conveyed to Elizabeth the copy of a letter, written by James to Pope Clement VIII. in which the King, after many expressions of regard for that pontiff, and of gratitude for his favors, declared his firm resolution to treat the Roman Catholics with indulgence; and, in order to render the intercourse between the court of Rome and Scotland more frequent and familiar, he solicited the Pope to promote Drummond, Bishop of Vaifon, a Scotsmen, to the dignity of a Cardinal¹¹. Elizabeth, who had received by another channel¹², some im-

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VIII.
1599.

Accuses him
of corre-
sponding
with the
Pope.

¹¹ Cald. 333. ¹² Winw. Mem. vol. i. 37. 52.

BOOK VIII. perfect intelligence of this correspondence, was filled with just surprise, and immediately dispatched Bowes into Scotland, to inquire more fully into the truth of the matter, and to reproach James for an action so unbecoming a Protestant Prince. He was astonished at the accusation, and with a confidence, which nothing but the consciousness of innocence could inspire, affirmed the whole to be a mere calumny, and the letter itself to be forged by his enemies, on purpose to bring his sincerity in religion to be suspected. Elphinstone the Secretary of State denied the matter with equal solemnity. It came to be known by a very singular accident, which happened some years after, that the information which Elizabeth had received was well founded, though at the same time the King's declarations of his own innocence were perfectly consistent with truth. Cardinal Bellarmine, in a reply which he published to a controversial treatise, of which the King was the author, accused him of having abandoned the favorable sentiments which he had once entertained of the Roman Catholic religion, and, as a proof of this, quoted his letter to Clement VIII. It was impossible, any longer, to believe this to be a fiction; and it was a matter too delicate to be passed over without strict inquiry. James immediately examined Elphinstone, and his confession unravelled the whole mystery. He acknowledged that he had shuffled in this letter among other papers, which he laid before the King to be signed, who suspecting no such deceit, subscribed it together with the rest,

and without knowing what it contained; that he had no other motive, however, to this action, but zeal for his Majesty's service; and, by flattering the Roman Catholics with hopes of indulgence under the King's government, he imagined that he was paving the way for his more easy accession to the English throne. The Privy Council of England entertained very different sentiments of the Secretary's conduct. In their opinion, not only the King's reputation had been exposed to reproach, but his life to danger, by this rash imposture; they even imputed the gunpowder treason to the rage and disappointment of the Papists, upon finding that the hopes which this letter inspired were frustrated. The Secretary was sent a prisoner into Scotland, to be tried for high treason. His peers found him guilty, but, by the Queen's intercession, he obtained a pardon".

According to the account of other historians, James himself was no stranger to this correspondence with the Pope; and, if we believe them, Elphingston, being intimidated by the threats of the English council, and deceived by the artifices of the Earl of Dunbar, concealed some circumstances in his narrative of this transaction, and falsified others; and at the expense of his own fame, and with the danger of his life, endeavoured to draw a veil over this part of his master's conduct".

But whether we impute the writing of this letter to the Secretary's officious zeal, or to the King's command, it is certain, that, about this time, James

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James at great pains to gain the Roman Catholics.

" State Trials, vol. i. 429. Spotsw. 456. 507. Johnst. 448.

" Cald. vol. v. 322. vi. 147.

BOOK VIII. was at the utmost pains to gain the friendship of the Roman Catholic Princes, as a necessary precaution towards facilitating his accession to the English throne. Lord Home, who was himself a Papist, was intrusted with a secret commission to the Pope¹⁶; the Archbishop of Glasgow was an active instrument with those of his own religion¹⁷. The Pope expressed such favorable sentiments both of the King, and of his right to the Crown of England, that James thought himself bound, some years after, to acknowledge the obligation in a public manner¹⁸. Sir James Lindsay made great progress in gaining the English Papists to acknowledge his Majesty's title. Of all these intrigues Elizabeth received obscure hints from different quarters. The more imperfectly she knew, the more violently she suspected the King's designs; and the natural jealousy of her temper increasing with age, she observed his conduct with greater solicitude than ever.

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His regulations with regard to the Church. The questions with regard to the election and power of the representatives of the Church, were finally decided this year by the General Assembly, which met at Montrose. That place was chosen as most convenient for the Ministers of the North, among whom the King's influence chiefly lay. Although great numbers resorted from the northern provinces, and the King employed his whole interest, and the authority of his own presence, to gain a majority, the following regulations were with difficulty agreed on. That the General

" Winw. Mem. vol. ii. 57.

" Cald. vol. v. 604.

" Cald. vol. vi. 147.

Assembly

Assembly shall recommend six persons to every vacant benefice, which gave a title to a seat in Parliament, out of whom the King should nominate one; that the person so elected, after obtaining his seat in Parliament, shall neither propose, nor consent to any thing there, that may affect the interest of the Church, without special instructions to that purpose; that he shall be answerable for his conduct to every General Assembly; and submit to its censure, without appeal, upon pain of infamy and excommunication; that he shall discharge the duties of a Pastor, in a particular congregation; that he shall not usurp any ecclesiastical jurisdiction, superior to that of his other brethren; that if the Church inflict on him the censure of deprivation, he shall thereby forfeit his seat in Parliament; that he shall annually resign his commission to the General Assembly, which may be restored to him, or not, as the Assembly, with the King's approbation, shall judge most expedient for the good of the Church". Nothing could be more repugnant to the idea of episcopal government, than these regulations. It was not in consequence of rights derived from their office, but of powers conferred by a commission, that the ecclesiastical persons were to be admitted to a seat in Parliament; they were the representatives, not the superiors of the Clergy. Destitute of all spiritual authority, even their civil jurisdiction was temporary. James, however, flattered himself that they would soon be able to shake

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" Spotfw. 453. 457. Cald vol v. 398.

BOOK off these fetters, and gradually acquire all the
VIII. privileges which belonged to the episcopal order.
1600. The Clergy dreaded the same thing; and of course
he contended for the nomination of these com-
missioners, and they opposed it, not so much on
account of the powers then vested in them, as
of those to which it was believed they would
soon attain".

Gowrie's conspiracy. During this summer, the kingdom enjoyed an unusual tranquillity. The Clergy, after many struggles, were brought under great subjection; the Popish Earls were restored to their estates and honors, by the authority of Parliament, and with the consent of the Church; the rest of the nobles were at peace among themselves, and obedient to the royal authority; when, in the midst of this security, the King's life was exposed to the utmost danger, by a conspiracy altogether unexpected, and almost inexplicable. The authors of it were John Ruthven, Earl of Gowrie, and his brother Alexander, the sons of that Earl who was beheaded in the year one thousand five hundred and eighty-four. Nature had adorned both these young men, especially the elder brother, with many accomplishments, to which education had added its most elegant improvements. More learned than is usual among persons of their rank; more religious than is common at their age of life; generous, brave, popular; their countrymen, far from thinking them capable of any atrocious crime, conceived the most sanguine hopes of their early virtues. Notwithstanding

" Spots. 454.

all these noble qualities, some unknown motive engaged them in a conspiracy, which, if we adhere to the account commonly received, must be transmitted to posterity, as one of the most wicked, as well as one of the worst concerted, of which history makes any mention.

On the fifth of August, as the King, who resided during the hunting season in his palace of Falkland, was going out to his sport early in the morning, he was accosted by Mr. Alexander Ruthven, who, with an air of great importance, told the King, that the evening before he had met an unknown man; of a suspicious aspect, walking alone in a by-path, near his brother's house at Perth; and on searching him, had found, under his cloak, a pot filled with a great quantity of foreign gold; that he had immediately seized both him and his treasure, and, without communicating the matter to any person, had kept him confined and bound in a solitary house; and that he thought it his duty to impart such a singular event, first of all to his Majesty. James immediately suspected this unknown person to be a seminary priest, supplied with foreign coin, in order to excite new commotions in the kingdom; and resolved to empower the Magistrates of Perth to call the person before them, and inquire into all the circumstances of the story. Ruthven violently opposed this resolution, and with many arguments urged the King to ride directly to Perth, and to examine the matter with his own eyes. Meanwhile the chase began; and James, notwithstanding his passion for that amusement, could not help rumi-

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BOOK VIII. 1600. nating upon the strangeness of the tale , and on Ruthven's importunity. At last , he called him , and promised , when the sport was over , to set out for Perth. The chase , however , continued long ; and Ruthven , who all the while kept close by the King , was still urging him to make haste. At the death of the buck he would not allow James to stay till a fresh horse was brought him ; and observing the Duke of Lenox and the Earl of Mar preparing to accompany the King , he entreated him to countermand them. This James refused ; and though Ruthven's impatience and anxiety , as well as the apparent perturbation in his whole behaviour , raised some suspicions in his mind ; yet his own curiosity , and Ruthven's solicitations , prevailed on him to set out for Perth. When within a mile of the town , Ruthven rode forward to inform his brother of the King's arrival , though he had already dispatched two messengers for that purpose. At a little distance from the town , the Earl , attended by several of the citizens , met the King , who had only twenty persons in his train. No preparations were made for the King's entertainment ; the Earl appeared pensive and embarrassed , and was at no pains to atone , by his courtesy or hospitality for the bad fare with which he treated his guests. When the King's repast was over , his attendants were led to dine in another room , and he being left almost alone , Ruthven whispered him , that now was the time to go to the chamber where the unknown person was kept. James commanded him to bring Sir Thomas Erskine along with them ; but , instead of that , Ruthven ordered him not to follow :

And conducting the King up a stair-case , and then through several apartments , the doors of which he locked behind him , led him at last into a small study , in which there stood a man clad in armour , with a sword and dagger by his side . The King , who expected to have found one disarmed and bound , started at the sight , and inquired if this was the person ; but Ruthven snatching the dagger from the girdle of the man in armour , and holding it to the King's breast , " Remember , " said he , „ how unjustly my father suffered by your command ; you are now my prisoner ; submit to my disposal without resistance , or outcry ; or this dagger shall instantly avenge his blood . " James expostulated with Ruthven , entreated , and flattered him . The man whom he found in the study stood , all the while , trembling , and dismayed , without courage either to aid the King , or to second his aggressor . Ruthven protested , that if the King raised no outcry , his life should be safe ; and , moved by some unknown reason , retired in order to call his brother , leaving to the man in armour the care of the King , whom he bound by oath not to make any noise during his absence .

While the King was in this dangerous situation , his domestics growing impatient to know whither he had retired , one of Gowrie's attendants entered the room hastily , and told them that the King had just rode away towards Falkland . All of them rushed out into the street ; and the Earl , in the utmost hurry , called for their horses . But by this time his brother had returned to the King , and swearing that now there was no remedy , he

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BOOK VIII. must die, offered to bind his hands. Unarmed as
1600. James was, he scorned to submit to that indignity; and closing with the assassin, a fierce struggle ensued. The man in armour stood, as formerly, amazed and motionless; and the King dragging Ruthven towards a window, which during his absence he had persuaded the person with whom he was left to open, cried, with a wild and affrighted voice, "Treason! Treason! Help! I am murdered!" His attendants heard, and knew the voice; and saw, at the window, a hand which grasped the King's neck with violence. They flew with precipitation to his assistance. Lenox and Mar, with the greater number, ran up the principal stair-case, where they found all the doors shut, which they battered with the utmost fury, endeavouring to burst them open. But Sir John Ramsey, entering by a back-stair, which led to the apartment where the King was, found the door open; and rushing upon Ruthven, who was still struggling with the King, struck him twice with his dagger, and thrust him towards the stair-case, where Sir Thomas Erskine and Sir Hugh Herries met, and killed him; he crying with his last breath, "Alas! I am not to blame for this action." During this scuffle, the man who had been concealed in the study escaped unobserved. Together with Ramsey, Erskine, and Herries, one Wilson, a footman, entered the room where the King was, and before they had time to shut the door, Gowrie rushed in with a drawn sword in each hand, followed by seven of his attendants well armed, and with a loud voice threatened them all.

with instant death. They immediately thrust the King into the little study, and shutting the door upon him, encountered the Earl. Notwithstanding the inequality of numbers, Sir John Ramsey pierced Gowrie, through the heart, and he fell down dead without uttering a word; his followers having received several wounds, immediately fled. Three of the King's defenders were likewise hurt in the conflict. A dreadful noise continued still at the opposite door, where many persons labored in vain to force a passage; and the King being assured that they were Lenox, Mar, and his other friends, it was opened on the inside. They ran to the King, whom they unexpectedly found safe, with transports of congratulation; and he, falling on his knees, with all his attendants around him, offered solemn thanks to God for such a wonderful deliverance. The danger, however, was not yet over. The inhabitants of the town, whose Provost Gowrie was, and by whom he was extremely beloved, hearing the fate of the two brothers, ran to their arms, and surrounded the house, threatening revenge, with many insolent and opprobrious speeches against the King. James endeavoured to pacify the enraged multitude, by speaking to them from the window; he admitted their magistrates into the house; related to them all the circumstances of the fact; and, their fury subsiding by degrees, they dispersed. On searching the Earl's pockets for papers that might discover his designs and accomplices, nothing was found but a small parchment bag, full of magical characters and words of enchantment; and if we may believe the

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BOOK account of the conspiracy published by the King,
VIII. " while these were about him, the wound of
1600, " which he died, bled not; but as soon as they
" were taken away, the blood gushed out in great
" abundance." After all the dangerous adventures of this busy day, the King returned in the evening to Falkland, having committed the dead bodies of the two brothers to the custody of the Magistrates of Perth.

The motive
of the con-
spirators not
easily ex-
plained.

Notwithstanding the minute detail which the King gave of all the circumstances of this conspiracy against his life, the motives which induced the two brothers to attempt an action so detestable, the end they had in view, and the accomplices on whose aid they depended, were altogether unknown. The words of Ruthven to the King gave some grounds to think that the desire of revenging their father's death had instigated them to this attempt. But, whatever injuries, their father had suffered, it is scarcely probable that they could impute them to the King, whose youth, as well as his subjection at that time to the violence of a faction, exempted him from being the object of resentment, on account of actions which were not done by his command. James had even endeavoured to repair the wrongs which the father had suffered, by benefits to his children; and Gowrie himself, sensible of his favor, had acknowledged it with the warmest expressions, of gratitude. Three of the Earl's attendants, being convicted of assisting him in this assault on the King's servants, were executed at Perth; but they could give no light into the motives which had prompted

their master to an action so repugnant to these acknowledgments. Diligent search was made for the person concealed in the study, and from him great discoveries were expected. But Andrew Henderson the Earl's steward, who, upon a promise of pardon, confessed himself to be the man, was as much a stranger to his master's design as the rest; and though placed in the study by Gowrie's command, he did not even know for what end that station had been assigned him. The whole transaction remained as impenetrably dark as ever, and the two brothers, it was concluded, had concerted their scheme without either confident or accomplice, with unexampled secrecy as well as wickedness.

An accident, no less strange than the other circumstances of the story, and which happened nine years after, discovered that this opinion, however plausible, was ill-founded; and that the two brothers had not carried on their machinations all alone. One Sprot, a notary, having whispered among several persons that he knew some secrets relating to Gowrie's conspiracy, the privy council thought the matter worthy of their attention, and ordered him to be seized. His confession was partly voluntary, and partly forced from him by torture. According to his account, Logan of Restalrig, a gentleman of an opulent fortune, but of dissolute morals, was privy to all Gowrie's intentions, and an accomplice in his crimes. Mr. Ruthven, he said, had frequent interviews with Logan, in order to concert the plan of their operations; the Earl had corresponded with him to the same purpose; and one Bour, Logan's confi-

Sprot's dis-
coveries
concerning
it.

BOOK. dent, was trusted with the secret, and carried the letters between them. Both Logan and Bour were now dead. But Sprot affirmed that he had read letters written both by Gowrie and Logan on that occasion; and, in confirmation of his testimony, several of Logan's letters, which a curiosity fatal to himself had prompted Sprot to steal from among Bour's papers, were produced". These were compared, by the privy council, with papers of Logan's hand-writing, and the resemblance was manifest. Persons of undoubted credit, and well qualified to judge of the matter, examined them, and swore to their authenticity. Death itself did not exempt Logan from prosecution; his bones were dug up and tried for High Treason and by a sentence, equally odious and illegal ",

" Logan's letters were five in number. One to Bour, another to Gowrie, and three of them without any direction; nor could Sprot discover the name of the person to whom they were written. Logan gives him the appellation of *Right Honorable*. It appears from this, however, and from other words in the letter, *Crom. 95.* that there were several persons privy to the conspiracy. The date of the first letter is July 18th. Mr. Ruthven had communicated the matter to Logan only five days before. *Ibid.* It appears from the original *summons of forfeiture* against Logan's heirs, that Bour, though he had letters addressed to him with regard to a conspiracy equally dangerous and important, was so illiterate that he could not read. " *Jacobus Bour, literatum prorsus ignarus, dicti Georgii opera in legendis omnibus scriptis ad eum missis, vel pertinentibus, utebatur.*" This is altogether strange, and nothing but the capricious character of Logan can account for his chusing such a confident.

" By the Roman law, persons guilty of the crime of High Treason might be tried even after death. This practice was

his lands were forfeited, and his posterity declared infamous. Sprot was condemned to be hanged for misprision of treason. He adhered to his confession to the last, and having promised, on the adopted by the Scots, without any limitation, Parl. 1540. c. 69. But the unlimited exercise of this power was soon conceived to be dangerous; and the Crown was laid under proper restrictions, by an act A. D. 1542. which has never been printed. The words of it are, " And because the said Lords (i. e. the Lords of Articles) think the said act (viz. in 1540) too general, and prejudicial to the Barons in the realm, therefore statutes and ordains that the said act shall have no place in time coming, but against the heirs of them that notoriously commit or shall commit lese Majesty against the King's person, against the realm for averting the same, and against them that shall happen to betray the King's army allenarly, and being notourly known in their time; and the heirs of these persons to be called and judged within five years after the decease of the said persons committers of the said crimes; and the said time being bypass, the said heirs never to be pursued for the same." The sentence against Logan violated this statute in two particulars. He was not notourly known during his life to be an accomplice in the crime for which he was tried; and his heir was called in question more than five years after his death. It is remarkable that this statute seems not to have been attended to in the parliament which forfeited Logan. Another singular circumstance deserves notice. As it is a maxim of justice that no person can be tried in absence; and as lawyers are always tenacious of their forms, and often absurd in their devices for preserving them, they contrived that, in any process against a dead person, his corpse or bones shall be presented at the bar. Examples of this occur frequently in the Scottish history. After the battle of Corrichie, the dead body of the Earl of Huntly was presented in parliament, before sentence of *forfaulter* was pronounced against him. For the same reason the bodies of Gowrie and his brother were preserved, in order that they might be produced in parliament. Logan's bones, in compliance with the same rule, were dug up. Mackenz. Crim. Law, Book i. Tit. 6. § 22.

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scaffold, to give the spectators a sign in confirmation of the truth of what he had deposed, he thrice clapped his hands after he was thrown off the ladder by the executioner".

" It appears that Archbishop Spotswood was present at the execution of Sprot, *Crom.* 115. and yet he seems to have given no credit to his discoveries. The manner in which he speaks of him is remarkable, " Whether or not I should mention the arraignment and execution of George Sprot, who suffered at Edinburgh, I am doubtful. His confession, though voluntary and constant, carrying small probability. The man deposed, &c. It seemed to be a very fiction, and a mere invention of the man's own brain, for neither did he show the letter, nor could any wise man think that Gowrie, who went about the treason so secretly, would have communicated the matter to such a man as Logan was known to be." p. 508. Spotswood could not be ignorant of the solemnity with which Logan had been tried, and of the proof brought of the authenticity of his letters. He himself was probably present in parliament at the trial. The Earl of Dunbar, of whom he always speaks with the highest respect, was the person who directed the process against Logan. Such a peremptory declaration against the truth of Sprot's evidence, notwithstanding all these circumstances, is surprising. Sir Thomas Hamilton, the King's advocate at that time, and afterwards Earl of Haddington, represents the proof produced at Logan's trial as extremely convincing; and in an original letter of his to the King, the 21st of June 1609, (in Bibl. Facult. Jurid.) after mentioning the manner in which the trial had been conducted, he thus goes on:

" When the probation of the summons was referred to the Lords of Articles votes, they found uniformly, all in one voice, the said summons to be so clearly proved, that they seemed to contend who should be able most zealously to express the satisfaction of his heart, not only by the most pithy words, but by tears of joy; diverse of the best rank confessing, that that whereof they doubted at their entry into the house was now so manifest, that they behoved to esteem them traitors who should any longer refuse to declare their assured resolution of the truth of that treason."

But though it be thus unexpectedly discovered that Gowrie did not act without associates, little additional light is thrown, by this discovery, on the motives and intention of his conduct. It appears almost incredible that two young men of such distinguished virtue should revolt all at once from their duty, and attempt a crime so atrocious, as the murder of their Sovereign. It appears still more improbable, that they should have concerted their undertaking with so little foresight and prudence. If they intended that the deed should have remained concealed, they could not have chosen a more improper scene for executing it, than their own house. If they intended that Henderson should have struck the blow, they could not have pitched on a man more destitute of the courage that must direct the hand of an assassin; nor could they expect that he, unsolicited, and unacquainted with their purpose, would venture on such a desperate action. If Ruthven meant to stab the King with his own hand, why did he withdraw the dagger, after it was pointed at his breast? How could he leave the King, after such a plain declaration of his intention? Was it not preposterous to commit him to the keeping of such a timid and false associate, as Henderson? For what purpose did he waste time, in binding the hands of an unarmed man, whom he might easily have dispatched with his fword? Had Providence permitted them to imbue their hands in the blood of their Sovereign, what advantage could have accrued to them by his death? and what claims or pretensions could

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BOOK VIII. they have opposed to the rights of his children" ?
 1600. Inevitable and instant vengeance, together with perpetual infamy, were the only consequences they could expect to follow such a crime.

On the other hand, it is impossible to believe that the King had formed any design against the life of the two brothers. They had not incurred his indignation by any crime; and were in no degree the objects of his jealousy or hatred " ; nor

" It has been asserted, that, in consequence of the King's death, the Earl of Gowrie might have pretended to the Crown of England , as the son of Dorothea Stewart daughter of Lord Methven by Margaret of England , who , after her divorce from the Earl of Angus , took that nobleman for her third husband. Burnet, Hist. of his own times. But this assertion is ill-founded. It appears , from undoubted evidence , that Lord Methven had only one child by Queen Margaret , which died in its infancy , and Dorothea Lady Ruthven was not the daughter of Queen Margaret , but of Janet Steward , Lord Methven's second wife , a daughter of John Earl of Athol. Crawf. Peer. 329. And though Gowrie had really been descended from the blood-royal of England , the King at that time had a son and a daughter ; and besides them , Lady Arabella Stewart , daughter of Charles Earl of Lenox , had a preferable title to the Crown of England .

" Sir Henry Neville , in a letter to Sir Ralph Winwood , imputes the death of the two brothers to a cause not mentioned by any of our historians. " Out of Scotland we hear that there is no good agreement , but rather an open diffidence betwixt the King and his wife , and many are of opinion that the discovery of some affection between her and the Earl of Gowrie's brother (who was killed with him) was the truest cause and motive of that tragedy ." Winw. Mem. vol. i. 274. Whether the following passages in Nicholson's letter be any confirmation of that suspicion , is submitted to the reader. In his letter, Sept. 22, 1602 , he mentions the return of Gowrie's two younger brothers into

was he of a spirit so sanguinary, or so noted for rash and desperate valor, as to have attempted to murder them in their own house, where they were surrounded with many domestics, he only with a slender and unarmed train; where they could call to their assistance the inhabitants of a city, at the devotion of their family, while he was at a distance from all aid; and least of all would he have chosen for his associates, in such an enterprise, the Earl of Mar, and the Duke of Lenox, the former connected in close friendship with the house of Gowrie, and the latter married to one of the Earl's sisters.

Whichsoever of these opposite systems we embrace; whether we impute the intention of murder to Gowrie, or to the King; insuperable difficulties arise, and we are involved in darkness, mystery, and contradictions. Perhaps the source of the whole conspiracy ought to be searched for deeper, and by deriving it from a more remote cause, we may discover it to be less criminal.

Scotland, and adds, "The coming in of these two, and the Queen of Scots dealing with them, and sending away and furnishing Mrs. Beatrix (their sister) with such information as Sir Thomas Erskine has given, hath bred great suspicion in the King of Scots that they come not in but upon some dangerous plot." In another letter, January 1, 1603. "The day of writing my last, Mrs. Beatrix Ruthven was brought by the Lady Paisley, and Mrs. of Angus, as one of their gentlewomen into the court in the evening, and stowed in a chamber prepared for her by the Queen's direction, where the Queen had much time and conference with her. Of this the king got notice, and showed his dislike thereof to the Queen, gently reproving her for it, and examining quietly of the Queen's servants of the same, and of other matters thereunto belonging, with such discretion and secrecy as requires such a matter."

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A conjecture concerning the intention of the conspirators.

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To keep the King of Scots in continual dependence, was one great object of Elizabeth's policy. In order to this, she sometimes soothed him; and sometimes bribed his Ministers and favorites; and when she failed of attaining her end by these means, she encouraged the Clergy to render any administration which she distrusted unpopular, by decrying it, or stirred up some faction of the nobles to oppose and to overturn it. In that fierce age, men little acquainted with the arts of undermining a Ministry by intrigue, had recourse to the ruder practice of rendering themselves masters of the King's person, that they might thereby obtain the direction of his councils. Those nobles, who seized the King at the *Raid of Ruthven*, were instigated and supported by Elizabeth. Bothwell, in all his wild attempts, enjoyed her protection, and when they miscarried, he was secure of retreat in her dominions. The connexions which James had been forming of late with the Roman Catholic Princes, his secret negotiations in England with her subjects, and the maxims by which he governed his own kingdom, all contributed to excite her jealousy. She dreaded some great revolution in Scotland to be approaching, and it was her interest to prevent it. The Earl of Gowrie was one of the most powerful of the Scottish nobles, and descended from ancestors warmly attached to the English interest. He had adopted the same system, and believed the welfare of his country to be inseparably connected with the subsistence of the alliance between the two kingdoms. During his residence at Paris, he had contracted

contracted an intimate friendship with Sir Henry Neville the Queen's ambassador there, and was recommended by him to his court, as a person of whom great use might be made". Elizabeth received him, as he passed through England, with distinguished marks of respect and favor. From all these circumstances a suspicion may arise, that the plan of the conspiracy against the King was formed at that time, in concert with her. Such a suspicion prevailed in that age, and from the letters of Nicholson, Elizabeth's agent in Scotland, it appears not to be destitute of foundation. An English ship was observed hovering, for some time, in the mouth of the frith of Forth. The Earl's two younger brothers fled into England after the ill success of the conspiracy, and were protected by Elizabeth. James himself, though he prudently concealed it, took great umbrage at her behaviour. None, however, of Elizabeth's intrigues in Scotland tended to hurt the King's person, but only to circumscribe his authority, and to thwart his schemes. His life was the surest safe-guard of her own, and restrained the Popish pretenders to her Crown, and their abettors, from desperate attempts, to which their impatience and bigotry might, otherwise, have urged them on. To have encouraged Gowrie to murder his Sovereign, would, on her part, have been an act of the utmost imprudence. Nor does this seem to have been the intention of the two brothers. Mr. Ruthven, first of all, endeavoured to decoy the King to Perth, without

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" Winw. i. 156.

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any attendants. When these proved more numerous than was expected, the Earl employed a stratagem in order to separate them from the King, by pretending that he had rode away towards Falkland, and by calling hastily for their horses, that they might follow him. By their shutting James up, meanwhile, in a distant corner of the house, and by attempting to bind his hands, their design seems to have been rather to seize, than to assassinate him. Though Gowrie had not collected his followers in such numbers as to have been able to detain him long a prisoner, in that part of the kingdom, by open force, he might soon have been conveyed aboard the English ship, which waited perhaps to receive him, and he might have been landed at Fast-Castle, a house of Logan's, in which, according to many obscure hints in his letters, some rendezvous of the conspirators was to be held. Amidst the surprise and terror, into which the King must have been thrown by the violence offered to him, it was extremely natural for him to conclude that his life was sought. It was the interest of all his followers to confirm him in this belief, and to magnify his danger, in order to add to the importance and merit of their own services. Thus his fear, and their vanity, aided by the credulity and wonder which the contemplation of any great and tragical event, when not fully understood, is apt to inspire, augmented the whole transaction. On the other hand, the extravagance and improbability of the circumstances which were added, detracted from the credit of those which really happened;

and even furnished pretences for calling in question the truth of the whole conspiracy.

The account of what had happened at Perth reached Edinburgh next morning. The privy council commanded the Ministers of that city instantly to assemble their people; and after relating to them the circumstances of the conspiracy formed against the King's life, to return public thanks to God, for the protection which he had so visibly afforded him. But as the first accounts transmitted to Edinburgh, written in a hurry, and while the circumstances of the conspiracy were but imperfectly known, and the passions which it excited strongly felt, were indistinct, exaggerated, and contradictory, the Ministers laid hold of this, and though they offered to give public thanks to God for the King's safety, they refused to enter into any detail of particulars, or to utter from the chair of truth, what appeared to be still dubious and uncertain.

A few days after, the King returned to Edinburgh; and though Galloway, the Minister of his own chapel, made an harangue to the people at the public cross, in which he recited all the circumstances of the conspiracy; though James himself, in their hearing, confirmed his account; though he commanded a narrative of the whole transaction to be published; the Ministers of that city, as well as many of their Brethren, still continued incredulous and unconvinced. Their high esteem of Gowrie, their jealousy of every part of the King's conduct, added to some false and many improbable circumstances in the narrative, not

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1600,
Many dis-
believe the
account pub-
lished by the
King.

BOOK VIII. only led them to suspect the whole, but gave their **1600.** suspicions an air of credibility. But at length, the King, partly by arguments, partly by threats, prevailed on all of them, except Mr. Robert Bruce, to own that they were convinced of the truth of the conspiracy. He could be brought no further than to declare, that he reverenced the King's account of the transaction, but could not say that he himself was perfuaded of the truth of it. The scruples or obstinacy of a single man would have been little regarded; but as the same spirit of incredulity began to spread among the people, the example of one in so high reputation for integrity and abilities, was extremely dangerous. The King was at the utmost pains to convince and to gain Bruce, but finding it impossible to remove his doubts, he deprived him of his benefice, and after repeated delays, and many attempts towards a reconciliation, banished him the kingdom".

Proceedings of Parliament against the conspirators. The proceedings of Parliament were not retarded by any scruples of this sort. The dead bodies of the two brothers were produced there, according to law; an indictment for High Treason was preferred against them; witnesses were examined; and by an unanimous sentence, their estates and honors were forfeited; the punishment due to traitors was inflicted on their dead bodies; and, as if the punishment hitherto in use did not express sufficient detestation of their crimes; the Parliament enacted that the surname of Ruthven should be abolished; and in order to preserve the

" Spotsw. 461, &c. Cald. v. 389. &c.

memory of the King's miraculous escape , and to declare the sense which the nation had of the divine goodness , to all future ages , appointed the fifth of August to be observed , annually , as a day of public thanksgiving ”.

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¹⁷ A few weeks after the death of the two brothers , the King published a *discourse of their vile and unnatural conspiracy against his life*. In the year 1713 , George Earl of Cromertie published an “ Historical account of the conspiracy by the Earl of Gowrie , and Robert Logan of Restalrig , against King James VI.” He seems not to have seen the account which the King himself had given of that matter , and borrows the whole historical part from Spotswood and other authors ; but he has extracted from the public records the depositions of the witnesses produced by the King’s Council , in order to make good the charge against the two brothers , and Logan their associate. From these two treatises our knowledge of all the material circumstances of the conspiracy is derived. The evidence which they contain , one would expect to be authentic and decisive. An account of a fact , still recent , published by royal authority , and the original depositions of persons examined in presence of the highest court in the nation , ought to convey a degree of evidence seldom attained in historical relations , and to exclude all remaining doubt and uncertainty. But as every thing with regard to this transaction is dark and problematical , the King’s account and the depositions of the witnesses not only vary , but contradict each other in so many circumstances , that much room is still left for hesitation and historical scepticism. The testimony of Henderson is the fullest and most important , but in several particulars the King’s account and his are contradictory. I. According to the King’s account , while Mr. Ruthven was holding the dagger at his breast , “ the fellow in the study stood quaking and trembling.” Disc. 17. But Henderson says , that he himself wrested the dagger out of Mr. Ruthven’s hands. Disc. 53. Crom. 50. Henderson likewise boasted to his wife , that he had that day twice saved the King from being stabbed. Disc. 54. Crom. 53.

BOOK VIII. Though Gowrie's conspiracy occasioned a sudden and a great alarm, it was followed by no consequences of importance; and having been concerted by the two brothers either without any associates,

Effex's con-
spiracy a-
gainst Eli-
zabeth.

II. The King asserts that Henderson opened the window during Mr. Ruthven's absence. Disc. 23. Henderson deposes that he was only attempting to open it when Mr. Ruthven returned, and that during the struggle between the King and him, he opened it. Disc. 53, 54. Crom. 51, 52. III. If we may believe the King, the fellow in the study stood, during the struggle, behind the King's back, inactive and trembling all the time. Disc. 27. But Henderson affirms, that he snatched away the garter with which Mr. Ruthven attempted to bind the King; that he pulled back Ruthven's hand, while he was endeavouring to stop the King's mouth, and that he opened the window. Disc. 54. Crom. 52. IV. By the King's account, Mr. Ruthven left him in the study, and went away in order to meet with his brother, and the Earl came up the stairs for the same purpose. Disc. 23. Henderson deposes, that when Mr. Ruthven left the King, "he believes that he did not pass from the door." Crom. 51. It is apparent both from the situation of the house, and from other circumstances, that there could not possibly have been any interview between the brothers at this time. Disc. 23.

Henderson was twice examined, first at Falkland before the privy council in August, and next at Edinburgh before the parliament in November. Not to mention some lesser variations between these depositions, we shall point out two which are remarkable. In his first deposition Mr. Henderson relates the most material circumstance of the whole in these words: "Mr. Ruthven pulled out the deponent's dagger, and held the same to his Majesty's breast, saying, *remember you of my father's murder; you shall now die for it*, and minting to his Highness's heart, with the dagger, the deponent threw the same out of Mr. Ruthven's hands, and swore that as God shall judge his soul, that if Mr. Ruthven had retained the dagger in his hand, the space a man may go six steps, he would have stricken the King to the

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or with such as were unknown , and chose to remain so , the danger was over , as soon as discovered. But not long after , a conspiracy broke out in England

" hilts with it ." Disc. 52. But at his second examination he varied from this in two material circumstances. First , the words which he at that time put in Mr. Ruthven's mouth while he held the dagger at the King's breast are , " Sir , you " must be my prisoner ; remember on my father's death ." Secondly , when he threatened him with death , it was only to deter him from making any noise , " Hold your tongue , or by " Christ you shall die ." 2. In this first deposition , the words of Mr. Ruthven , when he returned to the chamber where he had left the King , are , " There is no remedy , by God you " must die ." But in his second deposition , " By God there is no " remedy , and offered to bind his Majesty's hands ." Crom. 51. The material words *you must die* are omitted. The first deposition seems plainly to intimate that it was Ruthven's intention to murder the King. The second would lead us to conclude that he had no other design than to detain him as a prisoner.

There are likewise some remarkable contradictions in the testimonies of the other witnesses. 1. In the discourse published by authority , it is insinuated that the tumult of the inhabitants was raised against the king , and that it required some art to pacify them. Disc. 32. The Duke of Lenox confirms this in his deposition. Crom. 44. An act of privy council summoning the Magistrates of Perth to answer for that riot is still extant. And yet Andrew Roy , one of the baillies of the town , deposes , that he himself raised the people , and that they took arms in order to assist the King. Crom. 66. 2. Henderson deposes , that he gave an evasive answer to Mr. John Moncrief , who inquired where he had been that morning , because the Earl had commanded him not to let any man know that he had been at Falkland. Disc. 54. Moncrief deposes to the same purpose. Crom. 64. And yet George Hay , afterwards Lord Kinnoul , and Chancellor of Scotland , and Peter Hay , depose , that the Earl , in their presence , asked Henderson , " Whom he found with the

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against Elizabeth, which, though the first danger was instantly dispelled, produced tragical effects; that rendered the close of that Queen's reign dismal and unhappy. As James was deeply interested in that event, it merits our particular notice.

The court of England was at this time divided between two powerful factions, which contended for the supreme direction of affairs. The leader of the one was Robert D'Evreux, Earl of Essex; Sir Robert Cecil, the son of Lord Treasurer Burleigh, was at the head of the other. The former was the most accomplished and the most popular of all the English nobles; brave, generous, affable; though impetuous, yet willing to listen to the counsels of those whom he loved; an avowed, but not an implacable enemy; a friend no less constant than warm; incapable of disguising his own sentiments, or of misrepresenting those of others; better fitted for a camp than for a court; and of a genius that qualified him for the first place in the administration, with a spirit which scorned the second as below his merit. He was soon distinguished by the Queen, who, with a profusion uncommon to her, conferred on him, even in his earliest youth, the highest honors. Nor did this diminish the esteem and affection of his countrymen; but, by a rare felicity, he was at once the favorite of his Sovereign, and the

King at Falkland?" Crom. 70, 71. Which question seems to prove that he did not aim at keeping that journey a secret. In the Collection of Criminal Trials, published by Mr. Arnot in 1785, the evidence against the two brothers has been considered with great attention, P. 20, &c.

darling of the people. Cecil, on the other hand, educated in a court, and trained under a father deeply skilled in all its arts, was crafty, insinuating, industrious; and though possessed of talents which fitted him for the highest offices, he did not rely upon his merit alone for attaining them, but availed himself of every advantage, which his own address, or the mistakes of others, afforded him. Two such men were formed to be rivals and enemies. Essex despised the arts of Cecil as low and base. To Cecil, the Earl's magnanimity appeared to be presumption and folly. All the military men, except Raleigh, favored Essex. Most of the courtiers adhered to Cecil, whose manners more nearly resembled their own.

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As Elizabeth advanced in years, the struggle between these factions became more violent. Essex, in order to strengthen himself, had early courted the friendship of the King of Scots, for whose right of succession he was a zealous advocate, and held a close correspondence both with him and with his principal Ministers. Cecil, devoted to the Queen alone, rose daily to new honors by the assiduity of his services, and the patience with which he expected the reward of them; while the Earl's high spirit and impetuosity sometimes exposed him to checks from a Mistress, who, though partial in her affection toward him, could not easily bear contradiction, and who conferred favors often unwillingly, and always slowly. His own solicitations, however, seconded maliciously by his enemies, who wished to remove him at a distance from court, advanced him to the

His corre-
spondence
with the
Scottish
King.

BOOK VIII. command of the army employed in Ireland against Tyronne, and to the office of Lord Lieutenant of that kingdom, with a commission almost unlimited. His success in that expedition did not equal either his own promises, or the expectations of Elizabeth. The Queen, peevish from her disappointment, and exasperated against Essex by the artifices of his enemies, wrote him a harsh letter, full of accusations and reproaches. These his impatient spirit could not bear, and, in the first transports of his resentment, he proposed to carry over a part of his army into England, and, by driving his enemies from the Queen's presence, to reinstate himself in favor and in power. But upon more mature thoughts he abandoned this rash design, and, setting sail with a few officers devoted to his person, landed in England, and posted directly to court. Elizabeth received him without any symptom either of affection or of displeasure. By proper compliances and acknowledgments, he might have regained his former ascendant over the Queen. But he thought himself too deeply injured to submit to these. Elizabeth, on the other hand, determined to subdue his haughty temper; and though her severity drew from him the most humble letters, she confined him to the Lord Keeper's house, and appointed commissioners to try him, both for his conduct during his government of Ireland, and for leaving that kingdom without her permission. By their sentence, he was suspended from all his offices, except that of Master of the horse, and continued a prisoner during the Queen's pleasure. Satisfied

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with having mortified his pride thus far, Elizabeth did not suffer the sentence to be recorded, and soon after allowed him to retire to his own house. During these transactions, which occupied several months, Essex fluctuated between the allegiance he owed to his Sovereign, and the desire of revenge; and sometimes leaned to the one, and sometimes to the other. In one of the intervals when the latter prevailed, he sent a messenger into Scotland, to encourage the King to assert his own right to the succession by force of arms, and to promise that, besides the assistance of the Earl and all his friends in England, Lord Mountjoy, now Lord Lieutenant of Ireland, would join him with five thousand men from that kingdom. But James did not chuse to hazard the losing a kingdom, of which he was just about to obtain possession, by a premature attempt to seize it. Mountjoy, too, declined the enterprise, and Essex adopted more dutiful schemes; all thoughts of ambition appearing to be totally effaced out of his mind.

James's
cautious
conduct.

This moderation, which was merely the effect of disgust and disappointment, was not of long continuance; and the Queen, having not only refused to renew a lucrative grant which she had formerly bestowed, but even to admit him into her presence, that new injury drove a temper, naturally impatient, and now much fretted, to absolute despair. His friends, instead of soothing his rage, or restraining his impetuosity, added to both by their imprudent and interested zeal. After many anxious consultations, he determined to attempt

The wild
attempts of
Essex.

BOOK VIII. 1601. to redress his wrongs by violence. But being conscious how unpopular such an enterprise would be, if it appeared to proceed from motives of private revenge alone, he endeavoured to give it the semblance of public utility, by mingling the King of Scotland's interest with his own. He wrote to James, that the faction which now predominated in the English court had resolved to support the pretensions of the Infanta of Spain to the crown; that the places of the greatest importance in the kingdom were put into the hands of his avowed enemies; and that unless he sent ambassadors, without delay, to insist on the immediate declaration of his right of succession, their measures were so well concerted, that all his hopes would be desperate. James, who knew how disagreeable such a proposal would be to the Queen of England, was not willing rashly to expose himself to her displeasure. Essex nevertheless, blinded by resentment, and impatient for revenge, abandoned himself to these passions, and acted like a man guided by frenzy or despair. With two or three hundred followers incompletely armed, he attempted to assault a throne the best established in Europe. Sallying at their head out of his own house, he called on the citizens of London, if they either valued his life, or wished to preserve the kingdom from the dominion of the Spaniards, to take arms, and to follow his standard. He advanced towards the palace with an intention to drive Cecil and his faction out of the Queen's presence, and to obtain a declaration of the Scottish King's right of succession *. But, though almost adored by the

* Birch. Mem. ii. 477.

citizens, not a man would join him in this wild enterprise. Dispirited by their indifference, deserted by some of his own attendants, and almost surrounded by the troops, which marched against him under different leaders into the city, he retreated to his own house; and without any bold effort, suitable to his present condition, or worthy of his former reputation for courage, he surrendered to his enemies.

As soon as James heard of Essex's ill success, he appointed the Earl of Mar, and Bruce, Abbot of Kinloch, to repair as his Ambassadors to the Court of England. The former of these was the person by whose means Essex had carried on his correspondence with the King. He was a passionate admirer of the Earl's character, and disposed to attempt every thing that could contribute to his safety. Bruce, united in a close friendship with Mar, was ready to second him with equal zeal. Nor was the purpose of the embassy less friendly to Essex, than the choice of his Ambassadors; they were commanded to solicit, in the warmest manner, for the Earl's life, and if they found that the King, by avowing his friends, could either promote their designs, or contribute to their safety, they were empowered to lay aside all disguise, and to promise that he would put himself at their head, and claim what was due to him by force of arms^{**}. But before the Ambassadors could reach London, Essex had suffered the punishment which he merited by his treason. Perhaps the fear of their interposing, in order to

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1601.

His death.

^{**} Johnston. 289. Birch. Mem. ii. 510.

BOOK VIII. obtain his pardon, hastened his death. Elizabeth
1601. continued, for some time, irresolute concerning his fate, and could not bring herself to consign into the hands of the executioner, a man who had once possessed her favor so entirely, without a painful struggle between her resentment against his late misconduct, and her ancient affection towards him. The distress to which he was now reduced, tended naturally to soften the former, while it revived the latter with new tenderness; and the intercession of one faithful friend, who had interest with the Queen, might perhaps have saved his life, and have procured him a remission, which, of herself, she was ashamed to grant. But this generous nobleman had at that time no such friend. Elizabeth, solicited incessantly by her Ministers, and offended with the haughtiness of Essex, who, as she imagined, scorned to sue for pardon, at last commanded the sentence to be put in execution. No sooner was the blow struck, than she repented of her own rashness, and bewailed his death with the deepest sorrow. James always considered him as one who had fallen a martyr to his service, and after his accession to the English throne, restored his son to his honors, as well as all his associates in the conspiracy, and distinguished them with his favor¹¹.

James continues his intrigues in England.

The Scottish Ambassadors, finding that they had arrived too late to execute the chief business committed to their charge, not only concealed that part of their instructions with the utmost

¹¹ Caud. Spotsw. 464.

care ; but congratulated the Queen , in their Master's name , on her happy escape from such an audacious conspiracy. Elizabeth , though no stranger to the King's correspondence with Essex , or to that nobleman's intentions of asserting James's right to the Crown , was not willing that these should be known to the people ; and , for that reason , received the congratulations of the Scottish Ambassadors with all possible marks of credit and good will ; and in order to sooth James , and to preserve the appearances of union between the two courts , increased the subsidy which she paid him annually. The Ambassadors resided for some time in England , and were employed , with great success , in renewing and extending the intrigues , which Bruce had formerly entered into with the English nobles. As Elizabeth advanced in years , the English turned their eyes more and more towards Scotland , and were eager to prevent each other in courting the favor of their future Monarch. Assurances of attachment , professions of regard , and promises of support , were offered to James from every corner of the kingdom. Cecil himself , perceiving what hopes Essex had founded on the friendship of the Scottish King , and what advantages he might have derived from it , thought it prudent to stand no longer at a distance from a Prince , who might so soon become his master. But being sensible at the same time how dangerous such an intercourse might prove , under a Mistress naturally jealous , and whose jealousy grew stronger with old age ; though he entered into a correspondence with him , he car-

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BOOK VIII. tried it on with all the secrecy and caution necessary in his situation, and peculiar to his character¹¹. James having gained the man whose opposition and influence he had hitherto chiefly dreaded, waited, in perfect security, till that event should happen, which would open his way to the throne of England¹². It was with some difficulty that he restrained within proper bounds his adherents in that kingdom, who, laboring to distinguish themselves by that officious zeal, with which a Prince, who has a near prospect of mounting the throne, is always served, urged him to allow a motion to be made in Parliament for declaring his right of succession to the Crown. James prudently discouraged that design; but it was with no small satisfaction that he observed the ascendant he was acquiring in a court, the dictates of which he had been so long obliged to obey; and which had either prescribed or thwarted every step he had taken during the whole course of his reign¹³.

¹¹ See Appendix, No. 1.

¹² Dr. Birch, in his life of Prince Henry, p. 232, has given some account of the mysterious mode in which this correspondence was carried on, and how the letters were conveyed from London to Dublin, and from thence to Scotland. Notwithstanding the solicitude which Cecil repeatedly discovers, that his letters should be destroyed as soon as the King had read them, a considerable number of them has been preserved, and published by Sir David Dalrymple in the year 1766. They were written by Lord Henry Howard, under the inspection of Cecil, in a style affectedly obscure. The whole correspondence is more curious than instructive.

¹³ Spotsw. 467. 471. Birch. Mem. ii. 514.

Notwithstanding

Notwithstanding the violent struggles of the political factions which divided the court, and the frequent revolutions which had happened there, since the King first took the reins of government into his own hands, Scotland had enjoyed unusual tranquillity, being undisturbed by any foreign enemy, and free from any intestine commotion of long continuance. During this period, James endeavoured to civilize the Highlands and the Isles, a part of his dominions too much neglected by former Monarchs, though the reformation of it was an object highly worthy of their care. The long peace with England had afforded an opportunity of subduing the licentious spirit of the borderers, and of restraining their depredations, often no less ruinous to their countrymen than to their enemies. The inhabitants of the Low Country began, gradually, to forget the use of arms, and to become attentive to the arts of peace. But the Highlanders, retaining their natural fierceness, averse from labor, and injured to rapine, infested their more industrious, neighbours by their continual incursions. James, being solicitous, not only to repress their inroads, but to render them useful subjects **, had at different times enacted many wise laws extremely conducive to these ends. All landlords, or chiefs of Clans, were enjoined to permit no persons to reside in their estates, who could not find sufficient surety for their good behaviour; they were required to make a list of all suspicious persons

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Attempts
to civilize
the High-
landers.

** Basil. Dor. 139.

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under their jurisdiction, to bind themselves to deliver them to justice, and to indemnify those who should suffer by their robberies; and, in order to ascertain the faithful performance of these articles, the chiefs themselves were obliged to give hostages to the King, or to put pledges in his hands. Three towns, which might serve as a retreat for the industrious, and a nursery for arts and commerce, were appointed to be built in different parts of the Highlands; one in Cantire, another in Lochaber, and a third in the isle of Lewis; and in order to draw inhabitants thither, all the privileges of Royal Boroughs were to be conferred upon them. Finding it, however, to be no easy matter to inspire the inhabitants of those countries with the love of industry, a resolution was taken to plant among them colonies of people from the more industrious counties. The first experiment was made in the isle of Lewis; and as it was advantageously situated for the fishing-trade, a source from which Scotland ought naturally to derive great wealth, the colony transported thither was drawn out of Fife, the natives of which were well skilled in that branch of commerce. But before they had remained there, long enough to manifest the good effects of this institution, the islanders, enraged at seeing their country occupied by those intruders, took arms, and surprising them in the night-time, murdered some of them, and compelled the rest to abandon the settlement. The King's attention being soon after turned to other objects, we hear no more of this salutary project. Though James

did not pursue the design with that steady application and perseverance, without which it is impossible to change the manners of a whole people, he had the glory, however, not only of having first conceived the thoughts, but of having first pointed out the proper method of introducing the civil arts of life into that part of the island.¹¹

After having long enjoyed a good state of health, the effect of a sound constitution, and the reward of uncommon regularity and temperance, Elizabeth began this winter to feel her vigor decrease, and to be sensible of the infirmities of old age. Having removed on a very stormy day from Westminster to Richmond, whither she was impatient to retire, her complaints increased. She had no formed fever; her pulse was good; but she ate little, and could not sleep. Her distemper seemed to proceed from a deep melancholy, which appeared both in her countenance and behaviour. She delighted in solitude, she sat constantly in the dark; and was often drowned in tears.

No sooner was the Queen's indisposition known, than persons of all ranks, and of all different sects and parties, redoubled their applications to the King of Scots, and vied with each other in professions of attachment to his person, and in promises of submission to his government. Even some of Elizabeth's own servants, weary of the length of her reign, fond of novelty, impatient to get rid of the burden of gratitude for past benefits, and expecting to share in the liberality of

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1603.

Elizabeth's
last illness
and death.

1603.
January 31.

¹¹ Parl. 1587. 1594. 1597. Spotsw. 468.

a new Prince, began to desert her. And crowds of people hurried towards Scotland, eager to pre-occupy the favor of the successor, or afraid of being too late in paying homage to him.

Meanwhile, the Queen's disease increased, and her melancholy appeared to be settled and incurable. Various conjectures were formed concerning the causes of a disorder, from which she seemed to be exempted by the natural cheerfulness of her temper. Some imputed it to her being forced, contrary to her inclination, to pardon the Earl of Tyrone, whose rebellion had for many years created her much trouble. Others imagined that it arose from observing the ingratitude of her courtiers, and the levity of her people, who beheld her health declining with most indecent indifference, and looked forward to the accession of the Scottish King, with an impatience which they could not conceal. The most common opinion, at that time, and perhaps the most probable, was, that it flowed from grief for the Earl of Essex. She retained an extraordinary regard for the memory of that unfortunate nobleman; and though she often complained of his obstinacy, seldom mentioned his name without tears[“]. An accident happened soon after her retiring to Richmond, which revived her affection with new tenderness, and embittered her sorrows. The Countess of Nottingham, being on her death-bed, desired to see the Queen, in order to reveal something to her, without discovering which, she

[“] Birch. Mem. ii. 505.

could not die in peace. When the Queen came into her chamber, she told her, that while Essex lay under sentence of death, he was desirous of imploring pardon in the manner which the Queen herself had prescribed, by returning a ring, which during the height of his favor she had given him; with a promise that if, in any future distress, he sent that back to her as a token, it should entitle him to her protection; that Lady Scroop was the person he intended to employ in order to present it; that, by a mistake, it was put into her hands instead of Lady Scroop's; and that she having communicated the matter to her husband, one of Essex's most implacable enemies, he had forbid her either to carry the ring to the Queen, or to return it to the Earl. The Countess, having thus disclosed her secret, begged the Queen's forgiveness; but Elizabeth, who now saw both the malice of the Earl's enemies, and how unjustly she had suspected him of inflexible obstinacy, replied, "God may forgive you, but I never can;" and left the room in great emotion". From that

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" This anecdote concerning Elizabeth was first published by Osborne, Mem. of Eliz. p. 23; is confirmed by the testimony of de Maurier, Mem. 260, and by the traditional evidence of Lady Elizabeth Spelman published by Dr. Birch, Negoc. 106. Camden mentions the Queen's grief for Essex's death as one of the causes of her melancholy. Some original papers remain which prove that this was commonly believed at the time. Birch. Mem. ii. 506. Essex, however, had been beheaded two years before her death, and there seems to have been no other reason, but that which we have assigned, why her sorrows should revive with so much violence at so great a distance of time. As the death of the Countess of Nottingham hap-

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moment, her spirit sunk entirely; she could scarce taste food; she refused all the medicines prescribed by her physicians; declaring that she wished to die, and would live no longer. No entreaty could prevail on her to go to bed; she sat on cushions, during ten days and nights, pensive and silent, holding her finger almost continually in her mouth, with her eyes open, and fixed on the ground. The only thing to which she seemed to give any attention, were the acts of devotion performed in her apartment by the Archbishop of Canterbury; and in these she joined with great appearance of fervor. wasted, at last, as well by anguish of mind, as by long abstinence, she expired, without a struggle, on Thursday the twenty-fourth day of March, in the seventeenth year of her age, and in the forty-fifth of her reign".

Her character.

Foreigners often accuse the English of indifference and disrespect towards their Princes. But without reason; no people are more grateful than

pened about a fortnight before the Queen's death, the coincidence of these events, together with the other evidence mentioned, adds so much probability to the story related by Osborne, as will entitle it to a place in history. The only objection to the account we have given of Elizabeth's attachment to Essex, arises from her great age. At the age of 68, the amorous passions are commonly abundantly cool, and the violence of all the passions, except one, is much abated. But the force of this objection is entirely removed by an author who has illustrated many passages in the English History, and adorned more. Catalogue of Royal and Noble Authors; Article Essex.

" Camd. Birch. Mem. ii. 506. Birch. Negoc. 206.
Strype, iv. 373.

they to those Monarchs who merit their gratitude. The names of Edward III. and Henry V. are mentioned by the English of this age with the same warmth as they were by those who shared in the blessings and splendor of their reigns. The memory of Elizabeth is still adored in England. The historians of that kingdom, after celebrating her love of her people; her sagacity in discerning their true interest; her steadiness in pursuing it; her wisdom in the choice of her Ministers; the glory she acquired by arms; the tranquillity she secured to her subjects; and the increase of fame, of riches, and of commerce, which were the fruits of all these; justly rank her among the most illustrious Princes. Even the defects in her character, they observe, were not of a kind pernicious to her people. Her excessive frugality was not accompanied with the love of hoarding; and though it prevented some great undertakings, and rendered the success of others incomplete, it introduced economy into her administration, and exempted the nation from many burdens, which a Monarch, more profuse or more enterprising, must have imposed. Her flowness in rewarding her servants sometimes discouraged useful merit; but it prevented the undeserving from acquiring power and wealth, to which they had no title. Her extreme jealousy of those Princes who pretended to dispute her right to the Crown, led her to take such precautions, as tended no less to the public safety, than to her own; and to court the affections of her people, as the firmest support of her throne.

BOOK VIII. Such is the picture which the English draw of this great Queen.

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Whoever undertakes to write the History of Scotland, finds himself obliged, frequently, to view her in a very different, and in a less amiable light. Her authority in that kingdom, during the greater part of her reign, was little inferior to that which she possessed in her own. But this authority, acquired at first by a service of great importance to the nation, she exercised in a manner extremely pernicious to its happiness. By her industry in fomenting the rage of the two contending factions; by supplying the one with partial aid; by feeding the other with false hopes; by balancing their power so artfully, that each of them was able to distress, and neither of them to subdue the other; she rendered Scotland long the seat of discord, confusion, and bloodshed: and her craft and intrigues, effecting what the valor of her ancestors could not accomplish, reduced that kingdom to a state of dependance on England. The maxims of policy, often little consonant to those of morality, may, perhaps, justify this conduct. But no apology can be offered for her behaviour to Queen Mary; a scene of dissimulation without necessity; and of severity beyond example. In almost all her other actions, Elizabeth is the object of our highest admiration; in this we must allow that she not only laid aside the magnanimity which became a Queen; but the feelings natural to a woman.

Though Elizabeth would never permit the question concerning the right of succession to the

James pro-
claimed
King of
England.

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Crown to be determined in parliament; nor declare her own sentiments concerning a point which she wished to remain an impenetrable mystery; she had, however, formed no design of excluding the Scottish King from an inheritance to which his title was undoubted. A short time before her death, she broke the silence which she had so long preserved on that subject, and told Cecil and the Lord Admiral, "That her throne was the throne of Kings; that she would have no mean person to ascend it, and that her cousin the King of Scots should be her successor." This she confirmed on her death-bed. As soon as she breathed her last, the lords of the Privy Council proclaimed James King of England. All the intrigues carried on by foreigners in favor of the Infanta, all the cabals formed within the kingdom to support the titles of Lady Arabella and the Earl of Hartford, disappeared in a moment; the nobles, and people, forgetting their ancient hostilities with Scotland, and their aversion for the dominion of strangers, testified their satisfaction with louder acclamations than were usual at the accession of their native princes. Amidst this tumult of joy, a motion made by a few patriots, who proposed to prescribe some conditions to the successor, and to exact from him the redress of some grievances, before they called him to the throne, was scarcely heard; and Cecil, by stifling it, added to his stock of merit with his new master. Sir Charles Percy, brother of the Earl of Northumberland, and Thomas Somerſet, the Earl of Worcester's son, were dispatched to Scotland, with

BOOK VIII. a letter to the King, signed by all the Peers and Privy Counsellors then in London; informing him of the Queen's death, of his accession to the throne, of their care to recognize his title, and of the universal applause with which the public proclamation of it had been attended. They made the utmost haste to deliver this welcome message; but were prevented by the zeal of Sir Robert Carey, Lord Hunsdon's youngest son, who setting out a few hours after Elizabeth's death, arrived at Edinburgh on Saturday night, just as the King had gone to bed. He was immediately admitted into the royal apartment, and kneeling by the King's bed, acquainted him with the death of Elizabeth, saluted him king of England, Scotland, France, and Ireland, and as a token of the truth of the intelligence which he brought, presented him a ring, which his sister Lady Scroop had taken from the Queen's finger after her death. James heard him with a decent composure. But as Carey was only a private messenger, the information which he brought was not made public, and the King kept his apartment till the arrival of Percy and Somerset. Then his titles were solemnly proclaimed; and his own subjects expressed no less joy, than the English, at this increase of his dignity. As his presence was absolutely necessary in England, where the people were extremely impatient to see their new Sovereign, he prepared to set out for that kingdom without delay. He appointed his Queen to follow him within a few weeks. He committed the government of Scotland to his Privy Council.

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He intrusted the care of his children to different noblemen. On the Sunday before his departure, he repaired to the church of St. Giles, and after hearing a sermon, in which the preacher displayed the greatness of the divine goodness in raising him to the throne of such a powerful kingdom without opposition or bloodshed, and exhorted him to express his gratitude, by promoting, to the utmost, the happiness and prosperity of his subjects; the King rose up, and addressing himself to the people, made many professions of unalterable affection towards them; promised frequently to visit Scotland; assured them that his Scottish subjects, notwithstanding his absence, should feel that he was their native Prince, no less than when he resided among them; and might still trust that his ears should be always open to their petitions, which he would answer with the alacrity and love of a parent. His words were often interrupted by the tears of the whole audience; who, though they exulted at the King's prosperity, were melted into sorrow by these tender declarations".

On the fifth of April he began his journey, with a splendid, but not a numerous train; and next day he entered Berwick. Wherever he came, immense multitudes were assembled to welcome him; and the principal persons in the different counties through which he passed, displayed all their wealth and magnificence in entertainments prepared for him at their houses. Elizabeth had reigned so long in England, that most of her subjects

Takes pos-
session of
the throne.

" Spotsw. 476.

BOOK VIII. remembered no other court but hers; and their notions of the manners and decorums suitable to a prince were formed upon what they had observed there. It was natural to apply this standard to the behaviour and actions of their new Monarch, and to compare him, at first sight, with the Queen, on whose throne he was to be placed. James, whose manners were extremely different from hers, suffered by the comparison. He had not that flowing affability, by which Elizabeth captivated the hearts of her people; and, though easy among a few whom he loved, his indolence could not bear the fatigue of rendering himself agreeable to a mixed multitude. He was no less a stranger to that dignity with which Elizabeth tempered her familiarity. And, instead of that well-judged frugality with which she conferred titles of honor, he bestowed them with an undistinguishing profusion, that rendered them no longer marks of distinction, or rewards of merit. But these were the reflections of the few alone; the multitude continued their acclamations; and, amidst these, James entered London on the 7th of May, and took peaceable possession of the throne of England.

Conclusion.

Thus were united two kingdoms, divided from the earliest accounts of time, but destined, by their situation, to form one great monarchy. By this junction of its whole native force, Great Britain hath risen to an eminence and authority in Europe, which England and Scotland could never have attained.

The Scots had so long considered their monarchs as next heirs to the English throne, that they had full leisure to reflect on all the consequences of their being advanced to that dignity. But, dazzled with the glory of giving a Sovereign to their powerful enemy, relying on the partiality of their native Prince, and in full expectation of sharing liberally in the wealth and honors which he would now be able to bestow, they attended little to the most obvious consequences of that great event, and rejoiced at his accession to the throne of England, as if it had been no less beneficial to the kingdom, than honorable to the King. They soon had reason, however, to adopt very different sentiments; and from that period we may date a total alteration in the political constitution of Scotland.

The feudal Aristocracy, which had been subverted in most nations of Europe by the policy of their Princes, or had been undermined by the progress of commerce, still subsisted with full force in Scotland. Many causes had contributed gradually to augment the power of the Scottish nobles; and even the Reformation, which in every other country where it prevailed added to the authority of the Monarch, had increased their wealth and influence. A King possessed of a small revenue, with a prerogative extremely limited, and unsupported by a standing army, could not exercise much authority over such potent subjects. He was obliged to govern by expedients; and the laws derived their force not from his power to execute them, but from the voluntary submis-

BOOK VIII. fion of the nobles. But though this produced a species of government extremely feeble and irregular; though Scotland, under the name, and with all the outward ensigns of a monarchy, was really subject to an Aristocracy, the people were not altogether unhappy; and even in this wild form of a constitution, there were principles, which tended to their security and advantage. The King, checked and overawed by the nobles, durst venture upon no act of arbitrary power. The nobles, jealous of the King, whose claims and pretensions were many, though his power was small, were afraid of irritating their dependants by unreasonable exactions, and tempered the rigor of aristocratical tyranny; with a mildness and equality to which it is naturally a stranger. As long as the military genius of the feudal government remained in vigor, the vassals both of the Crown and of the Barons were generally not only free from oppression, but were courted by their superiors, whose power and importance were founded on their attachment and love.

But, by his accession to the throne of England, James acquired such an immense accession of wealth, of power, and of splendor, that the nobles, astonished and intimidated, thought it vain to struggle for privileges which they were now unable to defend. Nor was it from fear alone that they submitted to the yoke; James, partial to his countrymen, and willing that they should partake in his good fortune, loaded them with riches and honors; and the hope of his favor concurred with the dread of his power, in taming

their fierce and independent spirits. The will of **BOOK VIII.** the Prince became the supreme law in Scotland; and the nobles strove, with emulation, who should most implicitly obey commands, which they had formerly been accustomed to contemn. Satisfied with having subjected the nobles to the Crown, the King left them in full possession of their ancient jurisdiction over their own vassals. The extensive rights, vested in a feudal Chief, became in their hands dreadful instruments of oppression, and the military ideas, on which these rights were founded, being gradually lost or disregarded, nothing remained to correct or to mitigate the rigor with which they were exercised. The nobles, exhausting their fortunes by the expense of frequent attendance upon the English court, and by attempts to imitate the manners and luxury of their more wealthy neighbours, multiplied exactions upon the people, who durst hardly utter complaints which they knew would never reach the ear of their Sovereign, nor move him to grant them any redrefs. From the union of the Crowns to the revolution in 1688, Scotland was placed in a political situation, of all others the most singular, and the most unhappy; subjected at once to the absolute will of a Monarch, and to the oppressive jurisdiction of an Aristocracy, it suffered all the miseries peculiar to both these forms of government. Its Kings were despotic; its nobles were slaves and tyrants; and the people groaned under the rigorous domination of both.

During this period, the nobles, it is true, made one effort to shake off the yoke, and to regain their

BOOK ancient independency. After the death of James,
VIII. the Scottish nation was no longer viewed by our Monarchs with any partial affection. Charles I. educated among the English, discovered no peculiar attachment to the kingdom of which he was a native. The nobles, perceiving the sceptre to be now in hands less friendly, and swayed by a Prince with whom they had little connexion, and over whose councils they had little influence, no longer submitted with the same implicit obedience. Provoked by some encroachments of the King on their order, and apprehensive of others, the remains of their ancient spirit began to appear. They complained and remonstrated. The people being, at the same time, violently disgusted at the innovations in religion, the nobles secretly heightened this disgust; and their artifices, together with the ill-conduct of the court, raised such a spirit, that the whole nation took arms against their Sovereign, with an union and animosity of which there had formerly been no example. Charles brought against them the forces of England, and notwithstanding their own union, and the zeal of the people, the nobles must have sunk in the struggle. But the disaffection which was growing among his English subjects, prevented the King from acting with vigor. A civil war broke out in both kingdoms; and after many battles and revolutions, which are well known, the Scottish nobles, who first began the war, were involved in the same ruin with the throne. At the Restoration, Charles II. regained full possession of the royal prerogative in Scotland;

land; and the nobles, whose estates were wasted, or their spirit broken, by the calamities to which they had been exposed, were less able and less willing than ever to resist the power of the Crown. During his reign, and that of James VII. the dictates of the Monarch were received in Scotland with most abject submission. The poverty to which many of the nobles were reduced, rendered them meaner slaves, and more intolerable tyrants, than ever. The people, always neglected, were now odious, and loaded with every injury, on account of their attachment to religious and political principles, extremely repugnant to those adopted by their Princes.

The Revolution introduced other maxims into the government of Scotland. To increase the authority of the Prince, or to secure the privileges of the nobles, had hitherto been almost the sole object of our laws. The rights of the people were hardly ever mentioned, were disregarded, or unknown. Attention began, henceforward, to be paid to the welfare of the people. By the *claim of right*, their liberties were secured; and the number of their representatives being increased, they gradually acquired new weight and consideration in parliament. As they came to enjoy more security and greater power, their minds began to open, and to form more extensive plans of commerce, of industry, and of police. But the aristocratical spirit which still predominated, together with many other accidents, retarded the improvement and happiness of the nation.

BOOK. Another great event completed what the Revolution had begun. The political power of the nobles, already broken by the union of the two Crowns, was almost annihilated by the union of the two kingdoms. Instead of making a part, as formerly, of the supreme assembly of the nation, instead of bearing the most considerable sway there, the Peers of Scotland are admitted into the British parliament by their representatives only, and form but an inconsiderable part of one of those bodies in which the legislative authority is vested. They themselves are excluded absolutely from the house of Commons, and even their eldest sons are not permitted to represent their countrymen in that august assembly. Nor have their feudal privileges remained, to compensate for this extinction of their political authority. As commerce advanced in its progress, and government attained nearer to perfection, these were insensibly circumscribed, and at last, by laws no less salutary to the public, than fatal to the nobles, they have been almost totally abolished. As the nobles were deprived of power, the people acquired liberty. Exempted from burdens, to which they were formerly subject, screened from oppression, to which they had been long exposed, and adopted into a constitution whose genius and laws were more liberal than their own, they have extended their commerce, refined their manners, made improvements in the elegancies of life, and cultivated the arts and sciences.

This survey of the political state of Scotland, in which events and their causes have been men-

tioned rather than developed, enables us to point out three eras, from each of which we may date some great alteration in one or other of the three different members of which the supreme legislative assembly in our constitution is composed. At their *Accession* to the throne of England, the Kings of Scotland, once the most limited, became, in an instant, the most absolute Princes in Europe, and exercised a despotic authority, which their parliaments were unable to control, or their nobles to resist. At the *Union* of the two kingdoms, the feudal aristocracy, which had subsisted so many ages, and with power so exorbitant, was overturned, and the Scottish nobles having surrendered rights and pre-eminent peculiarity to their order, reduced themselves to a condition which is no longer the terror and envy of other subjects. Since the *Union*, the Commons, anciently neglected by their Kings, and seldom courted by the nobles, have emerged into dignity; and, being admitted* to a participation of all the privileges which the English had purchased at the expense of so much blood, must now be esteemed a body not less considerable in the one kingdom, than they have long been in the other.

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The church felt the effects of the absolute power which the King acquired by his accession; and its revolutions, too, are worthy of notice. James, during the latter years of his administration in Scotland, had revived the name and office of Bishops. But they possessed no ecclesiastical jurisdiction or pre-eminence, their revenues were inconsiderable,

BOOK VIII. and they were scarcely distinguished by any thing but by their seat in parliament, and by being the object of the clergy's jealousy, and the people's hatred. The King, delighted with the splendor and authority which the English Bishops enjoyed, and eager to effect an union in the ecclesiastical policy, which he had, in vain, attempted in the civil government of the two kingdoms, resolved to bring both Churches to an exact conformity with each other. Three Scotsmen were consecrated Bishops at London. From them, their brethren were commanded to receive orders. Ceremonies unknown in Scotland were imposed; and though the Clergy, less obsequious than the nobles, boldly opposed these innovations, James, long practised and well-skilled in the arts of managing them, obtained at length their compliance. But Charles I. a superstitious Prince, unacquainted with the genius of the Scots, imprudent and precipitant in all the measures he pursued in that kingdom, pressing too eagerly the reception of the English liturgy, and indiscreetly attempting a resumption of Church-lands, kindled the flames of civil war; and the people being left at liberty to indulge their own wishes, the Episcopal church was overturned, and the Presbyterian government and discipline were re-established with new vigor. Together with Monarchy, Episcopacy was restored in Scotland. A form of government, odious to the people, required force to uphold it; and though not only the whole rigor of authority; but all the barbarity of persecution were employed in its support, the aversion of the nation was insurmountable, and it subsisted

with difficulty. At the Revolution, the inclinations B O O X
VIII. of the people were thought worthy the attention of the legislature, the Presbyterian government was again established, and, being ratified by the Union, is still maintained in the kingdom.

Nor did the influence of the Accession extend to the civil and ecclesiastical constitution alone; the genius of the nation, its taste and spirit, things of a nature still more delicate, were sensibly affected by that event. When learning revived in the fifteenth and sixteenth centuries, all the modern languages were in a state equally barbarous, devoid of elegance, of vigor, and even of perspicuity. No author thought of writing in languages so ill adapted to express and embellish his sentiments, or of erecting a work for immortality, with such rude and perishing materials. As the spirit, which prevailed at that time, did not owe its rise to any original effort of the human mind, but was excited by admiration of the ancients, their compositions were deemed not only the standards of taste and of sentiment, but of style; and even the languages in which they wrote were thought to be peculiar, and almost consecrated to learning and the muses. Not only the manner of the ancients was imitated, but their language copied: and, extravagant as the attempt may appear, to write in a dead tongue, in which men were not accustomed to think, and which they could not speak, or even pronounce, the success of it was astonishing. As they formed their style upon the purest models; as they were uninfected with those barbarisms, which the inaccuracy of

BOOK VIII. familiar conversation, the affectation of courts, intercourse with strangers, and a thousand other causes introduce into living languages; many moderns have attained to a degree of elegance in their Latin compositions, which the Romans themselves scarce possessed beyond the limits of the Augustan age. While this was almost the only species of composition, and all authors, by using one common language, could be brought to a nearer comparison, the Scottish writers were not inferior to those of any other nation. The happy genius of Buchanan, equally formed to excel in prose and in verse, more various, more original, and more elegant, than that of almost any other modern who writes in Latin, reflects, with regard to this particular, the greatest lustre on his country.

But the labor attending the study of a dead tongue was irksome; the unequal return for their industry which authors met with, who could be read and admired only within the narrow circle of the learned, was mortifying; and men, instead of wasting half their lives in learning the language of the Romans, began to refine and to polish their own. The modern tongues were found to be susceptible of beauties and graces, which, if not equal to those of the ancient ones, were at least more attainable. The Italians having first set the example, Latin was no longer used in the works of taste; it was confined to books of science; and the politer nations have banished it even from these. The Scots, we may presume, would have had no cause to regret this change in the public taste,

and would still have been able to maintain some ~~BOOK~~ equality with other nations, in their pursuit of ~~VILL~~ literary honor. The English and Scottish languages, derived from the same sources, were, at the end of the sixteenth century, in a state nearly similar, differing from one another somewhat in orthography, though not only the words, but the idioms were much the same. The letters of several Scottish statesmen of that age are not inferior in elegance, or in purity, to those of the English Ministers with whom they corresponded. James himself was master of a style far from contemptible; and, by his example and encouragement, the Scottish language might have kept pace with the English in refinement. Scotland might have had a series of authors in its own, as well as in the Latin language, to boast of; and the improvements in taste, in the arts, and in the sciences, which spread over the other polished nations of Europe, would not have been unknown there.

But, at the very time when other nations were beginning to drop the use of Latin in works of taste, and to make trial of the strength and compass of their own languages, Scotland ceased to be a kingdom. The transports of joy, which the Accession at first occasioned, were soon over: and the Scots, being at once deprived of all the objects that refine or animate a people; of the presence of their Prince, of the concourse of nobles, of the splendor and elegance of a court, an universal dejection of spirit seems to have seized the nation. The Court being withdrawn, no domestic

BOOK standard of propriety and correctness of speech remained; the few compositions that Scotland produced were tried by the English standard, and every word or phrase that varied in the least from that, was condemned as barbarous; whereas, if the two nations had continued distinct, each might have retained idioms and forms of speech peculiar to itself; and these, rendered fashionable by the example of a Court, and supported by the authority of writers of reputation, might have been considered in the same light with the varieties occasioned by the different dialects in the Greek tongue; might have been considered as beauties; and, in many cases, might have been used promiscuously by the authors of both nations. But, by the Accession, the English naturally became the sole judges and law-givers in language, and rejected as solecisms, every form of speech to which their ear was not accustomed. Nor did the Scots, while the intercourse between the two nations was inconsiderable⁴⁰, and ancient prejudices

⁴⁰ A remarkable proof of the little intercourse between the English and Scots before the union of the Crowns, is to be found in two curious papers, one published by Haynes, the other by Strype. In the year 1567, Elizabeth commanded the Bishop of London to take a survey of all the strangers within the cities of London and Westminster. By this report, which is very minute, it appears that the whole number of Scots at that time was 58. Haynes, 455. A survey of the same kind was made by Sir Thomas Row, Lord Mayor, A. D. 1568. The number of Scots had then increased to 88. Strype, iv. Supplement, No. I. On the accession of James, a considerable number of Scots, especially of the higher rank; resorted to England; but it was not till the Union that the intercourse between the two kingdoms became great.

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were still so violent as to prevent imitation, possess the means of refining their own tongue according to the purity of the English standard. On the contrary, new corruptions flowed into it from every different source. The Clergy of Scotland, in that age, were more eminent for piety than for learning; and though there did not arise many authors among them, yet being in possession of the privilege of discoursing publicly to the people, and their sermons being too long, and perhaps too frequent, such hasty productions could not be elegant, and many slovenly and incorrect modes of expression may be traced back to that original. The pleadings of lawyers were equally loose and inaccurate, and that profession having furnished more authors and the matters of which they treat mingling daily in common discourse and business, many of those vicious forms of speech, which are denominated *Scotticisms*, have been introduced by them into the language. Nor did either the language or public taste receive any improvement in Parliament, where a more liberal and more correct eloquence might have been expected. All business was transacted there by the Lords of Articles, and they were so servilely devoted to the Court, that few debates arose, and, prior to the Revolution, none were conducted with the spirit and vigor natural to a popular assembly.

Thus, during the whole seventeenth century, the English were gradually refining their language and their taste; in Scotland the former was much debased, and the latter almost entirely lost. In the beginning of that period, both nations were

BOOK VIII. emerging out of barbarity , but the distance between them, which was then inconsiderable, became, before the end of it, immense. Even after science had once dawned upon them, the Scots seemed to be sinking back into ignorance and obscurity ; and, active and intelligent as they naturally are, they continued, while other nations were eager in the pursuit of fame and knowledge , in a state of languor. This, however , must be imputed to the unhappiness of their political situation, not to any defect of genius ; for no sooner was the one removed in any degree, than the other began to display itself. The act abolishing the power of the Lords of Articles, and other salutary laws passed at the Revolution, having introduced freedom of debate into the Scottish Parliament, eloquence, with all the arts that accompany or perfect it, became immediate objects of attention; and the example of Fletcher of Salton alone is sufficient to show that the Scots were still capable of generous sentiments, and, notwithstanding some peculiar idioms, were able to express themselves with energy , and with elegance.

At length the Union having incorporated the two nations, and rendered them one people, the distinctions which had subsisted for many ages gradually wear away ; peculiarities disappear ; the same manners prevail in both parts of the island ; the same authors are read and admired ; the same entertainments are frequented by the elegant and polite ; and the same standard of taste, and of purity in language , is established. The Scots, after

being placed, during a whole century, in a situation no less fatal to the liberty than to the taste and genius of the nation, were at once put in possession of privileges more valuable than those which their ancestors had formerly enjoyed; and every obstruction that had retarded their pursuit, or prevented their acquisition of literary fame, was totally removed.

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A CRITICAL
DISSERTATION
CONCERNING

The Murder of King HENRY, and the
Genuineness of the Queen's Letters
to Bothwell.

IT is not my intention to engage in all the controversies to which the murder of King Henry, or the letters from Queen Mary to Bothwell, have given rise; far less to appear as an adversary to any particular author, who hath treated of them. To repeat, and to expose all the ill-founded assertions with regard to these points, which have flowed from inattention, from prejudice, from partiality, from malevolence, and from dishonesty, would be no less irksome to myself, than unacceptable to most of my readers. All I propose, is to assist others in forming some judgement concerning the facts in dispute, by stating the proofs produced on each side, with as much brevity as the case will admit, and with the same attention and impartiality which I have endeavoured to exercise in examining other controverted points in the Scottish history.

In order to account for the King's murder, two different systems have been formed. The one supposes Bothwell to have contrived and executed

this crime. The other imputes it to the Earls of Murray, Morton, and their party.

The decision of many controverted facts in history, is a matter rather of curiosity than of use. They stand detached; and whatever we determine with regard to them, the fabric of the story remains untouched. But the fact under dispute in this place is a fundamental and essential one, and according to the opinion which a historian adopts with regard to it, he must vary and dispose the whole of his subsequent narration. A historical system may be tried in two different ways, whether it be consistent with probability, and whether it be supported by proper evidence.

Those who charge the King's murder upon Bothwell, argue in the following manner; and though their reasonings have been mentioned already in different places of the narrative, it is necessary to repeat them here. Mary's love for Darnly, say they, was a sudden and youthful passion. The beauty of his person, set off by some external frivolous accomplishments, was his chief merit. His capricious temper soon raised in the Queen a disgust, which broke out on different occasions. His engaging in the conspiracy against Rizio, converted this disgust into an antipathy which she was at no pains to conceal. This breach was perhaps, in its own nature, irreparable; the King certainly wanted that art and conciliation which alone could have repaired it. It widened every day, and a deep and settled hatred effaced all remains of affection. Bothwell observed this, and was prompted by ambition,

and perhaps by love, to found upon it a scheme, which proved fatal both to the Queen and to himself. He had served Mary at different times with fidelity and success. He insinuated himself into her favor, by address and by flattery. By degrees he gained her heart. In order to gratify his love, or at least his ambition, it was necessary to get rid of the King. Mary had rejected the proposal which, it is said, had been made to her for obtaining a divorce. The King was equally hated by the partisans of the house of Hamilton, a considerable party in the kingdom; by Murray, one of the most powerful and popular persons in his country; by Morton and his associates, whom he had deceived; and whom Bothwell had bound to his interest by a recent favor. Among the people Darnly was fallen under extreme contempt. Bothwell might expect, for all these reasons, that the murder of the King would pass without any inquiry, and might trust to Mary's love, and to his own address and good fortune, for the accomplishment of the rest of his wishes. What Bothwell expected really came to pass. Mary, if not privy herself to the design, connived at an action which rid her of a man whom she had such good reason to detest. A few months after the murder of her husband, she married the person who was both suspected and accused of having perpetrated that odious crime.

Those, who charge the guilt upon Murray and his party, reason in this manner. Murray, they say, was a man of boundless ambition. Notwithstanding the illegitimacy of his birth, he had early

formed a design of usurping the Crown. On the Queen's return into Scotland, he insinuated himself into her favor, and engrossed the whole power into his own hands. He set himself against every proposal of marriage which was made to her, lest his own chance of succeeding to the Crown should be destroyed. He hated Darnly, and was no less hated by him. In order to be revenged on him, he entered into a sudden friendship with Bothwell, his ancient and mortal enemy. He encouraged him to assassinate Henry, by giving him hopes of marrying the Queen. All this was done with a design to throw upon the Queen herself the imputation of being accessory to the murder, and under that pretext, to destroy Bothwell, to depose and imprison her, and to seize the sceptre which he had wrested out of her hands.

The former of these systems has an air of probability, is consistent with itself, and solves appearances. In the latter, some assertions are false, some links are wanting in the chain, and effects appear, of which no sufficient cause is produced. Murray, on the Queen's return into Scotland, served her with great fidelity, and by his prudent administration rendered her so popular, and so powerful, as enabled her with ease to quash a formidable insurrection raised by the party of which he was the leader in the year 1565. What motive could induce Murray to murder a Prince without capacity, without followers, without influence over the nobles, whom the Queen, by her neglect, had reduced to the lowest state of contempt, and who, after a long disgrace, had regained (according to

the most favorable supposition) the precarious possession of her favor only a few days before his death? It is difficult to conceive what Murray had to fear from the King's life. It is still a more difficult matter to guess what he could gain by his death. If we suppose that the Queen had no previous attachment to Bothwell, nothing can appear more chimerical than a scheme to persuade her to marry a man, whose wife was still alive, and who was not only suspected, but accused, of murdering her former husband. But that such a scheme should really succeed is still more extraordinary.—If Murray had instigated Bothwell to commit the crime, or had himself been accessory to the commission of it, what hopes were there that Bothwell would silently bear from a fellow-criminal all the persecutions which he suffered, without ever retorting upon him the accusation, or revealing the whole scene of iniquity? An ancient and deadly feud had subsisted between Murray and Bothwell; the Queen with difficulty had brought them to some terms of agreement. But is it probable that Murray would chuse an enemy, to whom he had been so lately reconciled, for his confidant in the commission of such an atrocious crime? Or, on the other hand, would it ever enter into the imagination of a wise man, first to raise his rival to supreme power, in hopes that afterwards he should render him odious, by accusing him of crimes which he had not committed, and, in consequence of this unjust charge, should be enabled to deprive him of that power? The most adventurous politician never hazarded such a dangerous

gerous experiment. The most credulous folly never trusted such an uncertain chance.

How strong soever these general reasonings may appear to be, it is not upon them alone that we must decide, but according to the particular evidence that is produced. This we now proceed to examine.

That Bothwell was guilty of the King's murder, appears, 1. From the concurring testimony of all the contemporary historians. 2. From the confession of those persons who suffered for assisting at the commission of the crime, and who enter into a minute detail of all its circumstances. Anders. ii. 165. 3. From the acknowledgment of Mary's own commissioners, who allow Bothwell to have been one of those who were guilty of this crime. Good. ii. 213. 4. From the express testimony of Lesly, Bishop of Ross, to the same effect with the former. Def. of Q. Mary's Honor. And. i. 76. Id. iii. p. 31. 5. Morton, at his death, declared that Bothwell had solicited him, at different times, to concur in the conspiracy formed against the life of the King; and that he was informed by Archibald Douglas, one of the conspirators, that Bothwell was present at the murder. Crawf. Mem. App. 4. The letter from Douglas to the Queen, which I have published in the Appendix to Vol. II. No. 34. confirms Morton's testimony. 6 Lord Herries promises, in his own name, and in the name of the nobles who adhered to the Queen, that they would concur in punishing Bothwell as the murderer of the King. Append. Vol. II. No. 11.

The most direct charge ever brought against Murray is in these words of Bishop Lefly. "Is it unknown," addressing himself to the Earl of Murray, "what the Lord Herries said to your face openly even at your own table, a few days after the murder was committed? Did he not charge you with the foreknowledge of the same murder; did he not, *nulla circumlocutione usus*, flatly and plainly burden you, that riding in Fife, and coming with one of your most assured and trusty servants the same day whereon you departed from Edinburgh, said to him, among other talk. This night ere morning Lord Darnly shall lose his life?" Defence of Q. Mary, Andersf. ii. 75. But the assertion of a man so heated with faction as Lefly, unless it were supported by proper evidence, is of little weight. The servant to whom Murray is said to have spoken these words, is not named; nor the manner in which this secret conversation was brought to light mentioned. Lord Herries was one of the most zealous advocates for Mary, and it is remarkable that, in all his negotiation at the court of England, he never once repeated this accusation of Murray. In answering the challenge given him by Lord Lindsay, Herries had a fair opportunity of mentioning Murray's knowledge of the murder; but though he openly accuses of that crime some of those who adhered to Murray, he industriously avoids any insinuation against Murray himself. Keith, Pref. xii. Mary herself, in conversation with Sir Francis Knolles, accused Morton and Maitland of being privy to the murder, but does not mention Murray. And. iv. 55. When the Bishop of Ross and Lord Herries

appeared before the English council, January 11, 1569, they declared themselves ready, in obedience to the Queen's command, to accuse Murray and his associates of being accessory to the murder, but "they being also required, whether they, or any of them, as of themselves, would accuse the said Earl in special, or any of his adherents, or thought them guilty thereof;" they answered, "that they took God to witness that none of them did ever know any thing of the conspiracy of that murder, or were council and foreknowledge thereof; neither who were devisers, inventors, and executors of the same, till it was publicly discovered long thereafter by some of the assassins, who suffered death on that account." Good. ii. 308. These words are taken out of a register kept by Ross and Herries themselves, and seem to be a direct confutation of the Bishop's assertion.

The Earls of Huntly and Argyll, in their *Protestation touching the murder of the King of Scots*, after mentioning the conference at Craigmillar concerning a divorce, add, "So after these premisses, the murder of the King following, we judge in our consciences, and hold for certain and truth, that the Earl of Murray and secretary Lethington were authors, inventors, counsellors and causers of the same murder, in what manner, or by whatsoever persons the same was executed." Anders. iv. 188. But, 1. This is nothing more than the private opinion or personal affirmation of these two noblemen. 2. The conclusion which they make has no connexion with the premisses on which they found it. Because

Murray proposed to obtain for the Queen a divorce from her husband with her own consent, it does not follow that therefore he committed the murder without her knowledge. 3 Huntly and Argyll were at that time the leaders of that party opposite to Murray, and animated with all the rage of faction. 4 Both of them were Murray's personal enemies. Huntly, on account of the treatment which his family and clan had received from that nobleman. Argyll was desirous of being divorced from his wife, with whom he lived on no good terms, Knox, 328. and by whom he had no children. Crawf. Peer. 19. She was Murray's sister, and by his interest he had obstructed that design. Keith, 551. These circumstances would go far towards invalidating a positive testimony; they more than counterbalance an indeterminate suspicion. 5. It is altogether uncertain whether Huntly and Argyll ever subscribed this protestation. A copy of such a protestation as the Queen thought would be of advantage to her cause, was transmitted to them by her. Andersf. iv. p. ii. 186. The protestation itself, published by Anderson, is taken from an unsubscribed copy with blanks for the oath and place of subscribing. On the back of this copy, there is pasted, indeed a paper, which Cecil has marked "Answer of the Earl of Murray to a writing of the Earls of Huntly and Argyll." Andersf. 194, 195. But it can hardly be deemed a reply to the above-mentioned protestation. Murray's answer bears date at London, January 19. 1568. The Queen's letter, in which she inclosed the copy of the protestation, bears date at Bowton, Jan. 5. 1568. Now it is scarce to be supposed that the copy could be sent into Scotland, be subscribed by the two Earls, and be seen and

answered by Murray within so short a time. Murray's reply seems intended only to prevent the impression which the vague and uncertain accusations of his enemies might make in his absence. Cecil had got the original of the Queen's letter into his custody. Anders. iv. 185. This naturally leads us to conjecture that the letter itself, together with the inclosed protestation, were intercepted before they came to the hands of Huntly and Argyll. Nor is this mere conjecture alone. The letter to Huntly, in which the protestation was inclosed, is to be found; Cott. Lib. Cal. C. 1. fol. 280. and is an original subscribed by Mary, though not written with her own hand, because she seldom chose to write in the English language. The protestation is in the same volume, fol. 282. and is manifestly written by the same person who wrote the Queen's letter. This seems to render it highly probable that both were intercepted. So that much has been founded on a paper not subscribed by the two Earls, and probably never seen by them. Besides, this method which the Queen took of sending a copy to the two Earls, of what was proper for them to declare with regard to a conference held in their own presence, appears somewhat suspicious. It would have been more natural, and not so liable to any misinterpretation, to have desired them to write the most exact account, which they could recollect, of what had passed at the conversation at Craigmillar. 6. But even if all this reasoning should be set aside, and the authenticity of the *Protestation* should be admitted in its full extent, it may still be a question, what degree of credit should be given to the assertion of the two Earls, who were

not only present in the first Parliament , held by Murray as Regent in December 1567 , in which the one carried the sceptre , and the other the sword of state , Spofsw. 214. but were both members of the Committee of Lords of Articles , and in that capacity assisted in framing all the acts by which the Queen was deprived of the crown , and her son seated on the throne ; and in particular concurred in the act by which it was declared , that whatever had befallen the Queen , " was in her awin default in sa far as , be divers hir previe letters written halelie with hir awin hand , and send by hir to James sometyme Erle of Bothwell , cheif executour of the said horribill murthour , as weill befoir the committing thairof as thairaftr : And be hir ungodlie and dishonourabill proceeding to ane pretendit marriage with him , fuddaindlie and unprovisitlie thairaftr , it is maist certane that sche was previe , airt and paire , of the actual devise and deid of the foirnamit murthour of the King her lauchfull husband , and thairfoir justlie desirvis quhatsumever hes bene done to hir in ony tyme bygaine , or that sal be usit towards hir , for the said cause ." Anders. ii. 221.

The Queen's commissioners at the *Conferences* in England accused Murray and his associates of having murdered the King Good. ii. 281. But this charge is to be considered as a recrimination , exported by the accusation preferred against the Queen , and contains nothing more than loose and general affirmations , without descending to such particular circum-

ances as either ascertain their truth, or discover their falsehood. The same accusation is repeated by the nobles assembled at Dumbarton Sept. 1568. Good. ii. 359. And the same observation may be made concerning it.

All the Queen's advocates have endeavoured to account for Murray's murdering of the King, by supposing that it was done on purpose that he might have the pretence of disturbing the Queen's administration, and thereby rendering ineffectual her general Revocation, of Crown lands, which would have deprived him and his associates of the best part of their estates. Lesly Def. of Mary's Hon. p. 73. Anderf. iv. Part ii. 130. But whoever considers the limited powers of a Scottish Monarch, will see that such a revocation could not be very formidable to the nobles. Every king of Scotland began his reign with such a revocation; and as often as it was renewed, the power of the nobles rendered it ineffectual. The best vindication of Murray and his party from this accusation, is that which they presented to the Queen of England, and which hath never hitherto been published.

*Answers to the objections and alledgance of the Queen, Paper.
alleging the Earl of Murray, Lord Regent, the Office.
Earl of Morton, Murt, Glencairn, Hume, Ruth-
ven, &c. to have been moved to armour, for that
they abhorred and might not abide her revocation
of the alienation made of her property.*

It is answered, that is alledged but (i. e. without) all appearance, and it appears God has be-

refst the alledgance of all wit and good remembrance, for thir reasons following:

Imprimis, as to my Lord Regent, he never had occasion to grudge thereat, in respect the Queen made him privy to the same, and took resolution with him for the execution thereof, letting his Lordship know she would assuredly in the famine except all things she had given to him, and ratesy them in the next parliament as she did indeed; and for that cause wished my Lord to leave behind him Master John Wood, to attend upon the same, to whom she declared, that als well in that as in all others her grants it shoulde be provided, yea of free will did promise and offer before ever he demanded, as it came to pafs without any lett or impediment, for all was ratified by her command, and hand write, at the parliament, but { i. e. without } any difficulty.

Item as to my Lord of Morton, he could not grudge thereat quha never had of her property worth twenty dollars that ever I knew of.

Item the same, may I say of my Lord Glencairn.

Item the same, I may say of my Lord Hume.

Item the same, I may say of my Lord Ruthven.

Item the same, I may say of my Lord Lindsay.

Only my Lord of Marr, had ane little thing of the property quilk alsua was gladly and liberally confirmed to him, in the said parliament preceeding a year; was never ane had any cause of discontent of that revocation, far les to have put their lives and heritage to so open and manifest ane danger as they did for sic ane frivole cause.

Gyf ever any did make evill countenance, and show any discontentment of the said revocation, it was my Lord of Argyll in speciall, quha spak largely in the time of Parliament thairanents to the Queen herself, and did complain of the manifest corruption of ane act of parliament past upon her Majesty's return, and sa did lett any revocation at that time; but the armour for revenge of the King's deid was not till twa months after, att quhat time there was no occasion given thereof, nor never a man had mind thereof.

Having thus examined the evidence which has been produced against the Earls of Murray and Bothwell; we shall next proceed to inquire whether the Queen herself was accessory to the murder of her husband.

No sooner was the violent death of Darnly known, than strong suspicions arose, among some of her subjects, that Mary had given her consent to the commission of that crime. And. ii. 156. We are informed, by her own ambassador in France, the Archbishop of Glasgow, that the sentiments of foreigners, on this head, were no less unfavorable to her. Keith, Pref. ix. Many of her nobles loudly accused her of that crime, and a great part of the nation, by supporting them, seem to have allowed the accusation to be well founded.

Some crimes, however, are of such a nature, that they hardly admit of a positive or direct proof. Deeds of darkness can seldom be brought perfectly to light. Where persons are accused not of

being *Principal*, but only of being *Accessaries* in the commission of a crime; not of having perpetrated it themselves, but only of giving consent to the commission of it by others; the proof becomes still more difficult: and unless when some accomplice betrays the secret, a proof by circumstances, or presumptive evidence, is all that can be attained. Even in judicial trials, such evidence is sometimes held to be sufficient for condemning criminals. The degree of conviction which such evidence carries along with it, is often not inferior to that which arises from positive testimony; and a concurring series of circumstances satisfies the understanding no less than the express declaration of witnesses.

Evidence of both these kinds has been produced against Mary. We shall first consider that which is founded upon circumstances alone.

Some of these suspicious circumstances preceded the King's death; others were subsequent to it. With regard to the former, we may observe that the Queen's violent love of Darnly was soon converted into an aversion to him no less violent; and that his own ill conduct, and excesses of every kind, were such, that if they did not justify, at least they account for this sudden change of her disposition towards him. The rise and progress of this domestic rupture, I have traced with great care in the history, and to the proofs of it which may be found in papers published by other authors, I have added those contained in App. Vol. II. No. III. and IV. Le Croc, the French ambassador, who was an eye-witness of what he de-

scribes, not only represents her aversion to Darnly to be extreme, but declares that there could be no hopes of a reconciliation between them. "The Queen is in the hands of physicians, and I do assure you is not at all well; and do believe the principal part of her disease to consist in deep grief and sorrow; nor does it seem possible to make her forget the same. Still she repeats these words, *I could wish to be dead.* You know very well that the injury she has received is exceeding great, and her majesty will never forget it—To speak my mind freely to you, I do not expect, upon several accounts, any good understanding between them (i. e. the King and Queen), unless God effectually put to his hand.—His bad deportment is incurable; nor can there ever be any good expected from him, for several reasons, which I might tell you was I present with you. I cannot pretend to foretell how all may turn, but I will say, that matters cannot subsist long as they are, without being accompanied with sundry bad consequences." Keith, Pref. vii Had Henry died a natural death, at this juncture, it must have been considered as a very fortunate event to the Queen, and as a seasonable deliverance from a husband who had become altogether odious to her. Now as Henry was murdered a few weeks afterwards, and as nothing had happened to render the Queen's aversion to him less violent, the opinion of those who consider Mary as the author of an event which was manifestly so agreeable to her, will appear perhaps to some of our readers to be neither unnatural nor over-refined. If we add to this, what has been observed in the history, that

Dec. 12;
1566,

Dec. 23,

in proportion to the increase of Mary's hatred of her husband, Bothwell made progress in her favor, and that he became the object not only of her confidence but her attachment, that opinion acquires new strength. It is easy to observe many advantages which might redound to Mary as well as to Bothwell from the King's death ; but excepting them, no person and no party in the kingdom could derive the least benefit from that event. Bothwell, accordingly murdered the King, and it was, in that age, thought no unwarranted imputation on Mary's character, to suppose that she had consented to the deed.

The steps which the Queen took after her husband's death add strength to that supposition. 1. Melvil, who was in Edinburgh at the time of the King's death, asserts, that "every body suspected the Earl of Bothwell; and those who durst speak freely to others, said plainly that it was He," p. 155. 2. Mary having issued a proclamation, on the 12th of February, offering a reward to any person who should discover those who had murdered her husband; And i. 36. a paper in consequence of this was affixed to the gates of the Tolbooth, February 16, in which Bothwell was named as the chief person guilty of that crime, and the Queen herself was accused of having given her consent to it. And ii. 156. 3. Soon after, February 20, the Earl of Lenox, the King's father, wrote to Mary, conjuring her, by every motive, to prosecute the murderers with the utmost rigor. He plainly declared his own suspicions of Bothwell, and pointed out a method of proceeding against him, and for discovering

the other authors of that crime, no less obvious than equitable. He advised her to seize, and to commit to sure custody Bothwell himself, and such as were already named as his accomplices; to call an assembly of the nobles; to issue a proclamation, inviting Bothwell's accusers to appear; and if, on that encouragement, no person appeared to accuse them, to hold them as innocent, and to dismiss them without farther trial. And. i. 40. 4. Archbishop Beatoun, her ambassador in France, in a letter to Mary, March 9th, employs arguments of the utmost weight to persuade her to prosecute the murderers with the greatest severity. "I can conclude nathing [says he] by quhat zour Majesty writes to me zourself, that sen it has plesit God to conserve zow to make a rigorous vengeance thereof, that rather than it be not actually taine, it appears to me better in this wrold that ze had lost life and all. I ask your Majestie pardon that I writ sa far, for I can heir nathing to zour prejudice, but I *man* constraindly writ the samin, that all may come to zour knawlege; for the better remedie may be put therto. Heir it is needfull that ze forth shaw now rather than ever of before, the greite vertue, magnanimite, and constance that God has grantit zow, be quhais grace, I hope ze fall overcome this most heavy envie and displesit of the committing thereof, and conserve that reputation in all godliness, ze have conquist of lang, quwhich can appear na wayis mair clearlie, than that zow do *such* justice that the *haill* world may declare zour innocence, and give testimony forever of thair treason that has committed (*but* fear of God or man) so cruel

*must**such
whole**without*

much
too.

and ungodlie a murther, quhairof there is sa *meik'e* ill spoken, that I am constraintit to ask zow mercy, that neither can I or will I make the rehearsal thereof, which is *owr* odious. But alas! Madame, all over Europe this day there is na purpose in head sa frequent as of zour Majestie, and of the present state of zour realm, quhilk is in the most part interpretit sinistly" Keith. Pref. ix. 5. Elizabeth, as appears from Append. Vol. II. No. VI. urged the same thing in strong terms. 6. The circumstances of the case itself, no less than these solicitations and remonstrances, called for the utmost vigor in her proceedings. Her husband had been murdered in a cruel manner, almost in her own presence. Her subjects were filled with the utmost horror at that crime. Bothwell, one of her principal favorites, had been publicly accused as the author of it. Reflections, extremely dishonorable to herself, had been thrown out. If indignation, and the love of justice, did not prompt her to pursue the murderers with ardor, decency, at least, and concern for vindicating her own character, should have induced her to avoid any appearance of remissness or want of zeal.

But instead of this, Mary continued to discover, in all her actions, the utmost partiality towards Bothwell. On the 15th of February, five days after the murder, she bestowed on him the reversion of the superiority of the town of Leith, which in the year 1565 she had mortgaged to the citizens of Edinburgh. This grant was of much importance, as it gave him not only the command of the principal port in the kingdom, but a great ascendant

over the citizens of Edinburgh, who wished much to keep possession of it¹. 2. Bothwell being ex-

¹ Copy from the original in the Charter-house of the city of Edinburgh of an Abjuration to the reversion of the superiority of Leith by Queen Mary, to the Earl of Bothwell.

Maria Dei gratia Regina Scotorum, omnibus probis hominibus suis ad quos praesentes literæ pervenerint flutem. Sciat is, quod nos ad memoriam reducentes multiplex bonum vetum et fidele servitium, non tantum quondam nostræ charissimæ matris Mariæ Reginæ regni nostri pro tempore in nostra minoritate factum et impensum, verum etiam nobismet ipsis, tam intra partes Galliae quam intra hoc nostrum regnum, ad extentionem nostri honoris et auctoritatis in punitione futurum, malefactorum, et transgressorum infra idem, per nostrum confisum consanguineum et consiliarium Jacobum comitem Bothuile, dominicum Halis, Creighton et Liddisdale, magnum admirallum regni nostri, commissionem et operationem ad hunc effectum habentem, per quas ipse suum corpus et vitam in magno periculo posuit; ac etiam, in performance et extentione nostri dicti servitii, suam hereditatem, supra summam viginti millium mercarum hujus nostri regni, alienavit ac lætit. Et nos cogitantes quod, ex nostra principali honore et devoria dictum nostrum confisum consanguineum & consiliarium cum quodam accidente et gratitudine recompensare et gratificare incumbit que nos commodè sibi concedere poterimus, unde ipse magis habilis omnibus affuturis temporibus esse poterit, et ad hujusmodi performandum in omnibus causis seu eventibus: In recompensationem quorum præmissorum, ac pro diversis alijs nostris rationabilibus causis et considerationibus nos moventibus, Fecimus, &c. dictum Jacobum comitem Bothuile, &c. ac suos hæredes masculos quoque nostros legitimos, &c. assignatos in et ad literas reversionis factas, &c. per Symonem Preston de eodem, militum præpositum, balivos, consules, et communitatem hujus nostri burgi de Edinburgh, pro seipsis ac suis successoribus, &c. nobis, nostrisque hæredibus, successoribus, et assignatis pro redemptione, &c. superioritatis tosis villa de Leith, &c. impignoratae per nos dictis præposito, &c. sub reversione alienatae continentis ummam decem millium mercarum monetæ prescriptæ nu-

tremely desirous to obtain the command of the castle of Edinburgh, the Queen, in order to prevail on the Earl of Mar to surrender the government of it, offered to commit the young Prince to his custody. Mar consented; and she instantly appointed Bothwell governor of the castle. And. i. Pref. 64 Keith, 379. note (d). 3 The inquiry into the murder, previous to Bothwell's trial, seems to have been conducted with the utmost remissness. Buchanan exclaims loudly against this. And. ii. 24 Nor was it without reason that he did so, as is evident from a circumstance in the affidavit of Thomas Nelson, one of the King's servants, who was in the house when his master was murdered, and was dug up alive out of the rubbish. Being examined on the Monday after the King's death, "This deponar shew that Bonkle had the key of the cellare, and the Queenis servandis the keyis of her shalmir. Quhilk the Laird of Tillibardin hearing, said, Hald thair, here is ane ground. Efter quhilk words spokin, thai left of, and procedit na farther in the inquisition." And. iv. p. 2. 167. Had there been any intention to search into the bottom of the matter, a circumstance of so much importance merited the most careful inquiry. 4. Notwithstanding Lenox's

merandum et calculandum in parochiali ecclesia de Edinburgh, super premonitione quadriginta dierum, ut moris est, veluti in dictis reversionis literis, &c. de data 8vo Octob. 1565, &c. (The rest is form, and contains a clause of absolute warrandice) **IN CUJUS REI TESTIMONIUM** præsentibus magnum sigillum nostrum apponi fecimus. Apud Edinburgh, decimo quinto die mensis Februarii, anno Domini millesimo quingen-tesimo sexagesimo sexto, et regni nostri vicesimo quinto.

The great seal entire.

repeated

repeated solicitations, notwithstanding the reasonableness of his demands, and the necessity of complying with them, in order to encourage any accuser to appear against Bothwell, she not only refused to commit him to custody, or even to remove him from her presence and councils; And. i. 42. 48. but by the grants which we have mentioned, and by other circumstances, discovered an increase of attachment to him. 5. She could not avoid bringing Bothwell to a public trial; but she permitted him to sit as a member in that meeting of the Privy Council which directed his own trial; and the trial itself was carried on with such unnecessary precipitancy, and with so many other suspicious circumstances, as render his acquittal rather an argument of his guilt than a proof of his innocence. These circumstances have all been mentioned at length, Vol. II. p. 62, &c. and therefore are not repeated in this place. 6. Two days after the trial, Mary gave a public proof of her regard for Bothwell, by appointing him to carry the sceptre before her at the meeting of Parliament. Keith, 378. 7. In that Parliament, she granted him a ratification of all the vast possessions and honors which she had conferred upon him, in which was contained an ample enumeration of all the services he had performed. And. i. 117. 8. Though Melvil, who foresaw that her attachment to Bothwell would at length induce her to marry him, warned her of the infamy and danger which would attend that action, she not only disregarded this salutary admonition, but discovered what had passed between them to Bothwell, which exposed Melvil to his resentment. Melv. 156. 9. Bothwell seized

Mary as she returned from Stirling, April 24. If he had done this without her knowledge and consent, such an insult could not have failed to have filled her with the most violent indignation. But according to the account of an old MS. "The friendly love was so highly contracted between this great Princess and her enormous subject, that there was no end thereof (for it was constantly esteemed by all men, that either of them loved other carnally), so that she suffered patiently to be led where the lover list, and all the way neither made obstacle, impediment, clamor, or resistance, as in such accidents use to be, or that she might have done by her princely authority, being accompanied with the noble Earl of Huntly and Secretary Maitland of Lethington." Keith, 383. Melvil, who was present, confirms this account, and tells us that the officer, by whom he was seized, informed him that nothing was done without the Queen's consent. Melv. 158. 10. On the 12th of May, a few days before her marriage, Mary declared that she was then at full liberty, and that though Bothwell had offended her by seizing her person, she was so much satisfied with his dutiful behaviour since that time, and so indebted to him for past services, that she not only forgave that offence, but resolved to promote him to higher honors. And i. 87. 11. Even after the confederate nobles had driven Bothwell from the Queen's presence, and though she saw that he was considered as the murderer of her former husband by so great a part of her subjects, her affection did not in the least abate, and she continued to express the most unalterable attach-

ment to him. "I can perceive (says Sir N. Throk-morton) that the rigor with which the Queen is kept, proceedeth by order from these men, because that the Queen will not by any means be induced to lend her authority to prosecute the murderer; nor will not consent by any persuasion to abandon the Lord Bothwell for her husband, but avoweth constantly that she will live and die with him; and saith, that if it were put to her choice to relinquish her crown and kingdom, or the Lord Bothwell, she would leave her kingdom and dignity to go a simple damsel with him, and that she will never consent that he shall fare worse, or have more harm than herself." Append. to Vol II. No. IX. In all their negotiations with Throk-morton, the Confederates mention this unalterable attachment of the Queen to Bothwell, as a sufficient reason for rejecting his proposals of an accommodation with their Sovereign. Keith, 419. 449. This assertion they renewed in the conferences at York. Anders. iv, part ii. p. 66. Murray, in his interview with Mary in Lochlevin, charged her with persisting in her inordinate affection to Bothwell. Keith, 446. All these, however, may be considered merely as accusations brought by the Confederates, in order to vindicate their rigor towards the Queen. But Throkmorton, who, by his residence in Edinburgh, and by his intercourse with the Queen's partisans, as well as with her enemies, had many opportunities of discovering whether or not Mary had expressed herself in such terms, and who was disposed to view her actions in the most favorable light, appears, by the passage which I have quoted from his

letter of the 14th of July, to be persuaded that the Confederates had not misrepresented her sentiments. He had soon an opportunity of being confirmed with greater certainty in this opinion. Although the Confederates had refused him access to the captive Queen, he found means of holding a secret correspondence with her, and endeavoured to persuade her to give her consent to have her marriage with Bothwell dissolved by a sentence of divorce, as the most probable means of regaining her liberty. She hath sent me word that she will in no wise consent unto that, but rather die. Append. to Vol. II. No. IX. There is evidence of the continuance of Mary's attachment still more explicit. Lord Herries, in the Parliament held the 15th of December 1567, acknowledged the Queen's inordinate affection to that wicked man, and that she could not be induced by persuasion to leave him; and that in sequestering her within Lochlevin, the Confederates had done the duty of noblemen. App. to Vol. II. No. XI. In the year 1571 a conference was held by some deputies from a Convention of Clergy, with the Duke of Chatelherault, Secretary Maitland, Sir James Balfour, and Kirkaldy; and an account of it written by Mr. Craig, one of the Ministers of Edinburgh, is extant in Calderwood MSS. Hist. ii. 244. In presence of all these persons, most of whom were in Edinburgh when the Queen was taken at Carberry, Maitland, who was now an avowed partisan of Mary, declares, that on the same night she was brought to Edinburgh, he himself had offered that if she would abandon Bothwell, she should

have as thankful obedience as ever she had since she came to Scotland. But no wife would she consent to leave Bothwell. According to Sir James Melvil, the Queen found means of writing a letter to Bothwell on the evening of that day when she was conducted as a prisoner to Edinburgh, in which she declared her affection to him in the most tender expressions, and her resolution never to abandon him. This letter, he says, was intercepted by the Confederates, and determined them to confine Mary in the castle of Lochlevin. But as neither Buchanan nor Knox, both abundantly disposed to avail themselves of every fact and report that could be employed in order to represent Mary's conduct as improper and criminal, mention this letter; and as the Confederates themselves, in their negotiations with Throkmorton, as well as in their accusations of the Queen before the English Commissioners at York and Westminster, maintain the same silence with regard to it, I am satisfied that Melvil, who wrote his memoirs for the information of his son, in his old age, and long after the events which he records happened, has been mistaken with regard to this particular. From this long enumeration of circumstances, we may, without violence, draw the following conclusion. Had Mary really been accessory to the murder of her husband; had Bothwell perpetrated the crime with her consent, or at her command; and had she intended to stifle the evidence against him, and to prevent the discovery of his guilt, she could scarcely have taken any other steps than those which she took, nor could her conduct

have been more repugnant to all the maxims of prudence and of decency.

The positive evidence produced against Mary may be classed under two heads.

1. The depositions of some persons who were employed in committing the murder, particularly of Nicholas Hubert, who, in the writings of that age, is called *French Paris*. This person, who was Bothwell's servant, and much trusted by him, was twice examined, and the original of one of his depositions, and a copy of the other, are still extant. It is pretended that both these are notorious forgeries. But they are remarkable for a simplicity and *naïveté* which it is almost impossible to imitate; they abound with a number of minute facts and particularities, which the most dexterous forger could not have easily assembled and connected together with any appearance of probability; and they are filled with circumstances, which can scarcely be supposed to have entered the imagination of any man but one of Paris's rank and character. But, at the same time, it must be acknowledged, that his depositions contain some improbable circumstances. He seems to have been a foolish talkative fellow; the fear of death, the violence of torture, and the desire of pleasing those in whose power he was, tempted him, perhaps, to feign some circumstances, and to exaggerate others. To say that some circumstances in an affidavit are improbable or false, is very different from saying that the whole is forged. I suspect the former to be the case here; but I see no appearance of the latter. Be that as it will, some of the most material facts in Paris's affida-

vits rest upon his single testimony; and for that reason, I have not in the History, nor shall I in this place, lay any stress upon them.

2. The letters said to be written by Mary to Bothwell. These have been frequently published. The accident by which the Queen's enemies got them into their possession, is related Vol. II. 95. When the authenticity of any ancient paper is dubious or contested, it may be ascertained either by external or internal evidence. Both these have been produced in the present case.

I. External proofs of the genuineness of Mary's letters. 1. Murray, and the nobles who adhered to him, affirm upon their word and honor, that the letters were written with the Queen's own hand, with which they were well acquainted. Good ii. 64 92. 2. The letters were publicly produced in the parliament of Scotland, December 1567; and were so far considered as genuine, that they are mentioned in the act against Mary, as, one chief argument of her guilt. Good. ii. 66, 67. 3. They were shown privately to the Duke of Norfolk, the Earl of Sussex, and Sir Ralph Sadler, Elizabeth's commissioners at York. In the account which they give of this matter to their mistress, they seem to consider the letters as genuine, and express no suspicion of any forgery; they particularly observe, "that the matter contained in them is such that it could hardly be invented and devised by any other than herself; for that they discourse of some things, which were unknown to any other than to herself and Bothwell; and as it is hard to counterfeit so many, so the matter of them, and the manner how these

men came by them, is such, as it seemeth that God, in whose sight murder and bloodshed of the innocent is abominable, would not permit the same to be hid or concealed." Good ii. 142. They seem to have made such an impression on the Duke of Norfolk, that in a subsequent letter to Pembroke, Leicester, and Cecil, he has these words : " If the matter shall be thought as detestable and manifest to you, as for ought we can perceive it seemeth here to us." Good. ii. 154. Nor did Norfolk declare these to be his sentiments only in public official letters, he expressed himself in the same manner to his most confidential friends. In a secret conference with the Bishop of Ross at York, the Duke informed him, that he had seen the letters, &c. which the Regent had to produce against the Queen, whereby there would be such matter proved against her, as would dishonor her for ever. State-Trials, Edition of Hargrave, i. 91. Murdin, 52. The Bishop of Ross, if he had known the letters to be a notorious forgery, must have been naturally led, in consequence of this declaration, to undeceive the Duke, and to expose the imposture. But, instead of this, the Duke and he and Lethington, after consulting together, agreed, that the Bishop should write to Mary, then at Bolton, and instruct her to make such a proposal to Elizabeth as might prevent the public production of the letters and other evidence. State-Trials, i. 94. Murdin, 45. Indeed, the whole of this secret conference seems to imply, that Lethington, Ross, and Norfolk, were conscious of some defect in Mary's cause,

and therefore exerted all their ingenuity in order to avoid a public accusation. Murdin, 52, 53. To Banister, whom the Duke seems to have trusted more entirely than any other of his servants, he expressed himself in similar terms with respect to the Queen of Scots. State-Trials, i. 98. The words of Banister's evidence are remarkable: "I confess that I, waiting of my Lord and Master, when the Earl of Sussex and Mr. Chancellor of the Dutchy that now is, were in commission at York, did hear his Grace say, that upon examination of the matter of the murder, it did appear that the Queen of Scots was guilty and privy to the murder of Lord Darnly, whereby I verily thought that his Grace would never join in marriage with her. Murdin, 134. Elizabeth, in her instructions to the Earl of Shrewsbury and Beale in 1583, asserts, that both the Duke and Earl of Arundel did declare to herself, that the proof, by the view of her letters, did fall out sufficient against the Queen of Scots; however, they were after drawn to cover her faults and pronounce her innocence. MS. Advoc. Library. A. iii. 28. p. 314. from Cot. Lib. Calig. 9. 4. A similar impression was made upon other contemporaries of Mary by the production of the letters, which implies a full belief of their being genuine. Cecil, in his correspondence with Sir Henry Norris, the English Ambassador in France, relates this transaction in terms which leave no room to doubt with respect to his own private opinion. In his letter, Decem. 14th, 1568, the very day on which the letters, &c. were laid

before the meeting of Privy Counsellors and Peers, he informs him, "that the Regent was driven, for his defence, to disclose a full fardel of the naughty matter, tending to convince the Queen as deviser of the murther, and the Earl of Bothwell as her executour; and now the Queen's party, so great, refuse to make any answer, and press that their Mistress may come in person to answer the matter herself; before the Queen's Majesty, which is thought not fit to be granted until the great blot of the marriage with her husband's murtherer, and the evident charges, by letters of her own, to be deviser of the murther, be somewhat razed out or recovered; for that as the matters are exhibited against her, it is far unseemly for any Prince, or for chaste ears, to be annoyed with the filthy noise thereof; and yet, as being a Commissioner, I must and will forbear to pronounce any thing herein certainly, though as a private person I cannot but with horror and trembling think thereof." Cabala, 156. 5. From the correspondence of Bowes, the English Resident in Scotland, with Walsingham in the year 1582, published towards the close of this Dissertation, it is manifest that both in England and Scotland, both by Elizabeth and James, both by the Duke of Lenox and Earl of Gowrie, the letters were deemed to be genuine. The eagerness, on one side to obtain, and on the other to keep possession of the casket and letters, implies that this was the belief of both. These sentiments of contemporaries, who were in a situation to be thoroughly informed, and who had abilities to

judge with discernment, will, in the opinion of many of my readers, far outweigh theories, suppositions, and conjectures, formed at the distance of two centuries. 6. The letters were subjected to a solemn and judicial examination with respect to their authenticity, as far as that could be ascertained by resemblance of character and fashion of writing: For after the conferences at York and Westminster were finished, Elizabeth, as I have related, assembled her Privy Counsellors, and, joining to them several of the most eminent noblemen in her kingdom, laid before them all the proceedings against the Scottish Queen, and particularly ordered, that "the letters and writings exhibited by the Regent, as the Queen of Scots letters and writings, should also be shewed, and conference (i. e. comparison) thereof made in their sight, with the letters of the said Queen's, being extant, and heretofore written with her own hand, and sent to the Queen's majesty; whereby may be searched and examined what difference is betwixt them." Good. ii. 252. They assembled accordingly, at Hampton Court, December 14 and 15, 1568; and, "The originals of the letters supposed to be written with the Queen of Scots' own hand, were then also presently produced and perused; and being read, were duly conferred and compared, for the manner of writing, and fashion of orthography, with sundry other letters long since heretofore written, and sent by the said Queen of Scots, to the Queen's Majesty. In collation whereof no difference was found." Good. ii. 256. 7. Mary having

written an apologetical letter for her conduct to the Countess of Lenox, July 10, 1570¹, she transmitted it to her husband then in Scotland; and he returned to the Countess the following answer:

² Mary's letter has never been published; and ought to have a place here, where evidence on all sides is fairly produced.
 " Madam, if the wrang and false reportis of rebellis, enemies weill knewin for traitouris to zow, and alace to muche trusted of me by zoure advice, had not so far sturred you agains my innocency, (and I must say aganis all kyndness, that zow have not onelie as it were condempnit me wrangfullie, bot so hated me, as some wordis and opene deideis hes testifeit to all the warlde, a manyfest mislyking in zow aganis zowr awn blude) I wold not have omittit thus lang my dewtie in wryting to zow excusing me of those untrew reporties made of me. But hoping with Godis grace and tyme to have my innocency knewin to zow, as I trust it is already to the maist pairet of all indifferent personis, I thocht it best not to trouble zow for a tyme till that such a matter is moved that tuichis us bayth, quhilk is the transporting zoure littil son, and my onelie child in this countrey. To the quhilk albeit I be never sa willing, I wald be glaid to have zoure advyse therein, as in all uther thingis tuiching him. I have born him, and God knewis with quhat danger to him and me boith; and of zow he is descendit. So I meane not to forzet my dewtie to zow, in schewin herein any unkyndness to zow, how unkyndlie that ever ze have delt with me, bot will love zow as my awnt, and respect zow as my moder in law. And gif ye ples to knew farther of my myndin that; and all uther thingis betwixt us, my ambassador the bishop of Ross fall be ready to confer with zow. And so after my hairtie commendationis, remitting me to my saide ambassador, and zour better consideratioun, I commit zow to the protection of Almighty God, quhom I pray to preferve zow and my brother Charles, and caus zow to knew my pairet better nor ze do. From Chatifworth this x of July 1570.

To my Ladie Lenox
my moder in law

Yore natural gude Nice
and lowynge dochter."

" Seeing you have remittit to me , to answer the Queen, the King's mother's letters sent to you , what can I say but that I do not marvell to see hir writ the best can for hirself , to seame to purge her of that , quhairof many besyde me are certainly persuadit of the contrary , and I not only assurit by my awin knawledge , but by her hand writ , the confessionis of men gone to the death, and uther insaillibil experiance . It wull be lange tyme that is hable to put a mattit so notorious in obliuion , to mak black quhyte , or innocency to appear quhair the contrary is sa weill knawin . The maist indifferent , I trust , doubtis not of the equite of zour and my cause , and of the just occasioun of our mislyking . Hir richt dewtie to zow and me , being the parteis interest , were hir trew confessioun and unfeyned repentance of that lamentable fact , odious for hir to be reportit , and sorrowfull for us to think of . God is just , and will not in the end be abused ; but as he has manifested the trewth , so will he punise the inquiry ." *Lenox's Orig. Regist. of Letters.* In their public papers , the Queen's enemies may be suspected of advancing what would be most subservient to their cause ; not what was agreeable to truth , or what flowed from their own inward conviction . But in a private letter to his own wife , Lenox had no occasion to dissemble ; and it is plain , that he not only thought the Queen guilty , but believed the authenticity of her letters to Bothwell . 8. In opposition to all these reasons for believing the letters , &c. to be authentic , the conduct of the Nobles confederated against Mary , in not producing them

directly as evidence against her, has been represented as an irrefragable proof of their being forged. According to the account of the Confederates themselves, the casket containing the letters was seized by them on the twentieth of June one thousand five hundred and sixty-seven; but the first time that they were judicially stated as evidence against the Queen was in a meeting of the Regent's Privy Council, December fourth, and they afterwards served as the foundation of the acts made against her in the Parliament, held on the fifteenth of the same month. If the letters had been genuine, it is contended, that the obtaining possession of them must have afforded such matter of triumph to the Confederates, that they would instantly have proclaimed it to the whole world; and in their negotiations with the English and French Ministers, or with such of their fellow-subjects as condemned their proceedings, they would have silenced, at once, every Advocate for the Queen, by exhibiting this convincing proof of her guilt. But in this reasoning sufficient attention is not paid to the delicate and perilous situation of the Confederates at that juncture. They had taken arms against their Sovereign, had seized her person at Carberry-hill, and had confined her a prisoner in Lochlevin. A considerable number, however, of their fellow-subjects, headed by some of the most powerful noblemen in the kingdom was combined against them. This combination, they soon perceived, they could not hope to break or to vanquish without aid either from France or England. In the former kingdom, Mary's uncles the Duke of Guise and Cardinal

of Lorrain were, at that period, all powerful, and the King himself was devotedly attached to her. If the Confederates confined their views to the dissolution of the marriage of the Queen with Bothwell, and to the exclusion of him for ever from her presence, they might hope, perhaps, to be countenanced by Charles IX. and his Ministers, who had sent an envoy into Scotland of purpose to dissuade Mary from that illfated match; Append. to Vol. II. No. IX. "whereas the loading her publicly with the imputation of being accessory to the murder of her husband, would be deemed such an inexpiable crime by the court of France, as must cut off every hope of countenance or aid from that quarter. From England, with which the principal Confederates had been long and intimately connected, they had many reasons to expect more effectual support; but, to their astonishment, Elizabeth condemned their proceedings with asperity, warmly espoused the cause of the captive Queen, and was extremely solicitous to obtain her release and restoration. Nor was this one of the artifices which Elizabeth often employed in her transactions with Scotland. Though her most sagacious Ministers considered it as the wisest policy to support the confederate Lords rather than the Queen of Scots, Elizabeth disregarded their counsel'. Her high notions of royal authority,

* This was the opinion of Throkmorton, as appears from an extract of his letter of July 11th, published in the Append. to Vol. II. No. IX. The same were the sentiments of Cecil, in his letter of Aug. 19th, 1567, to Sir Henry Norris, Eliza-

and of the submission due by subjects, induced her, on this occasion, to exert herself in behalf of Mary, not only with sincerity but with zeal; she negotiated, she solicited, she threatened. Finding the Confederates inflexible, she endeavoured to procure Mary's release by means of that party in Scotland which continued faithful to her, and instructed Throckmorton to correspond with the leaders of it, and to make overtures to that effect. Keith. 451. App. No. X. She even went so far as to direct her Ambassador at Paris, to concert measures with the French King how they, by their joint efforts, might persuade or compel the Scots to "acknowledge the Queen her good sister to be their Sovereign Lady, and Queen, and renounce their obedience to her son" Keith. 462, 3, 4. From all these circumstances, the Confederates had every reason to apprehend that Mary would soon obtain liberty, and by some accommodation be restored to the whole, or at least to a considerable portion of her authority as Sovereign. In that event they foresaw, that if they should venture to accuse her publicly of a crime so atrocious as the murder of her husband, they must not only be excluded for ever from

beth's Ambassador to France, "You shall perceive, says he, by the Queen's letter to you, at this present, how earnestly she is bent in favor of the Queen of Scots, and truly since the beginning she hath been greatly offended with the Lords; and, howsoever her Majesty might make her profit by bearing with the Lords in this action, yet no counsel can stay her Majesty from manifesting her misliking of them." Cabala, 140. And in his letter of Sept. 3d. "The Queen's Majesty, our Sovereign, remaineth still offended with the Lords for the Queen; the example moveth her." Ib. 141. Digges Comp. Amb. 14.

power

power and favor, but from any hope of personal safety. On this account they long confined themselves to that which was originally declared to be the reason of their taking arms; the avenging the King's death, the dissolving the marriage with Bothwell, the inflicting on him condign punishment, or banishing him for ever from the Queen's presence. It appears from the letters of Throkmorton, published by Bishop Keith, and in my Appendix, that his sagacity early discovered that this would be the tenor of their conduct; in his letter from Edinburgh, dated July 14th, he observes that "they do not forget their own peril conjoined with the danger of the Prince, but as far as I perceive, they intend not to touch the Queen either in surety or in honor; for they speak of her with respect and reverence, and do affirm, as I do learn, that, the condition aforesaid accomplished, (i. e. the separation from Bothwell) they will both put her to liberty, and restore her to her estate." Vol. III. p. 247. His letter of August 22d, contains a declaration made to him by Lethington, in name and in presence of his associates, "that they never meant harm neither to the Queen's person nor to her honor—that they have been contented hitherto to be condemned, as it were, of all Princes, strangers, and, namely, of the Queen of England, being charged of grievous and infamous titles, as to be noted rebels, traitors, seditious, ingrate and cruel, all which they suffer and bear upon their backs, because they will not justify themselves, nor proceed in any thing that may touch their Sovereign's honor. But in case they be

with these defamations continually oppressed, or with the force, aid, and practices of other Princes, and namely of the Queen of England, put in danger, or to an extremity, they shall be compelled to deal otherwise with the Queen than they intend, or than they desire; for, added he, you may be sure we will not lose our lives, have our lands forfeited, and be reputed rebels through the world, seeing we have the means to justify ourselves." Keith, 448. From this view of the slippery ground on which they stood at that time, their conduct in not producing the letters for several months, appears not only to have been prudent but essential to their own safety.

But, at a subsequent period, when the Confederates found it necessary to have the form of government, which they had established, confirmed by authority of Parliament, a different mode of proceeding became requisite. All that had hitherto been done with respect to the Queen's dismission, the seating the young King upon the throne, and the appointment of a Regent, was in reality nothing more than the deed of private men. It required some exhibition of some legal evidence to procure a constitutional act giving the sanction of its approbation to such violent measures, and to obtain "a perfect law and security for all them that either by deed, counsel, or subscription, had entered into that cause since the beginning." Haynes, 453. This prevailed with the Regent and his secret counsel, after long deliberation to agree to produce all the evidence of which they were possessed; and upon that production Parliament passed the acts which were

required. Such a change had happened in the state of the kingdom as induced the Confederates to venture upon this change in their conduct. In June, a powerful combination was forming against them, under the leading of the Hamiltons. In December, that combination was broken; most of the members of it had acknowledged the King as their lawful Sovereign, and had submitted to the Regent's government. Huntly, Argyll, Herries, the most powerful noblemen of that party, were present in the Parliament, and concurred in all its acts. Edinburgh, Dunbar, Dunbar-ton, and all the chief strong holds in the kingdom, were now in the hands of the Regent; the arms of France had full occupation in its civil war with the Hugonots. The ardor of Elizabeth's zeal in behalf of the captive Queen seems to have abated. A step that would have been followed with ruin to the Confederates in June, was attended with little danger in December. From this long deduction it appears, that no proof of the letters being forged can be drawn from the circumstance of their not having been produced immediately after the twentieth of June; but though no public accusation was brought instantly against the Queen, in consequence of seizing the casket, hints were given by the Confederates, that they possessed evi-dence sufficient to convict her. This is plainly implied in a letter of Throkmore, July 21st, Keith, Pref. p. xii. and more clearly in the passage which I have quot-ed from his letter of August 22. In his letter of July 25, the papers contained in the casket are still more plainly pointed out. "They (i. e. the Confederates) say, that they have as apparent proof against her

as may be, as well by the testimony of her own handwriting, which they have recovered, as also by sufficient witnesses." Keith, 426.

II. With regard to the internal proofs of the genuineness of the Queen's letters to Bothwell, we may observe, 1. That whenever a paper is forged with a particular intention, the eagerness of the forger to establish the point in view, his solicitude to cut off all doubts and cavils, and to avoid any appearance of uncertainty, always prompt him to use expressions the most explicit and full to his purpose. The passages foisted into ancient authors by Heretics in different ages; the legendary miracles of the Romish saints; the supposititious deeds in their own favor produced by monasteries; the false charters of homage mentioned, Vol. I. p. 13. are so many proofs of this assertion. No maxim seems to be more certain than this, that a forger is often apt to prove too much, but seldom falls into the error of proving too little. The point which the Queen's enemies had to establish, was, "that as the Earl of Bothwell was chief executor of the horrible and unworthy murder perpetrated, &c. so was she of the foreknowledge, counsel, device, persuader, and commander of the said murder to be done." Good. ii. 207. But of this there are only imperfect hints, obscure intimations, and dark expressions in the letters, which, however convincing evidence they might furnish, if found in real letters, bear no resemblance to that glare and superfluity of evidence which forgeries commonly contain. All the advocates for Mary's innocence in her own age, contend that there is nothing in the letters which can serve as a proof of her guilt. Lessly,

Blackwood, Turner, &c. abound with passages to this purpose; nor are the sentiments of those in the present age different. " Yet still it might have been expected (says her latest defender) that some one or other of the points or articles of the accusation should be made out clearly by the proof. But nothing of that is to be seen in the present case. There is nothing in the letters that could plainly show the writer to have been in the foreknowledge, counsel, or device of any murder, far less to have persuaded or commanded it ; and as little is there about maintaining or justifying any murderers." Good. i. 76. How ill advised were Mary's adversaries, to contract so much guilt, and to practise so many artifices, in order to forge letters, which are so ill contrived for establishing the conclusion they had in view ? Had they been so base as to have recourse to forgery is it not natural to think that they would have produced something more explicit and decisive ? It is almost impossible to invent a long narration of fictitious events, consisting of various minute particulars, and to connect these in such a manner with real facts, that no mark of fraud shall appear. For this reason, skilful forgers avoid any long detail of circumstances, especially of foreign and superfluous ones, well knowing that the more these are multiplied, the more are the chances of detection increased. Now Mary's letters, especially the first, are filled with a multiplicity of circumstances, extremely natural in a real correspondence, but altogether foreign to the purpose of the Queen's enemies, and which it would have been extreme folly to have inserted, if they had been altogether imaginary, and with-

out foundation. 3. The truth and reality of several circumstances in the letters, and these, too, of no very public nature, are confirmed by undoubted collateral evidence. Lett. 1. Good. ii. p. 1. The Queen is said to have met one of Lenox's gentlemen, and to have had some conversation with him. Thomas Crawford, who was the person, appeared before Elizabeth's commissioners, and confirmed, upon oath, the truth of this circumstance: He likewise declared, that during the Queen's stay at Glasgow, the King repeated to him, every night, whatever had passed through the day, between her Majesty and him; and that the account given of these conversations in the first letter, is nearly the same with what the King communicated to him. Good. ii. 245. According to the same letter there was much discourse between the King and Queen concerning Mynto, Hiegait, and Walcar. Good. ii. 8. 10, 11. What this might be, was altogether unknown, until a letter of Mary's, preserved in the Scottish college at Paris, and published, Keith, Pref. vii. discovered it to be an affair of so much importance as merited all the attention she paid to it at that time. It appears by a letter from the French ambassador, that Mary was subject to a violent pain in her side. Keith, ibid. This circumstance is mentioned, Lett. 1. p. 30. in a manner so natural as can scarcely belong to any but a genuine production. If we shall still think it probable to suppose that so many real circumstances were artfully introduced into the letters by the forgers, in order to give an air of authenticity to their production; it will hardly be possible to hold the same opinion concerning

the following particular. Before the Queen began her first letter to Bothwell, she, as usual among those who write long letters containing a variety of subjects, made *notes* or *memorandums* of the particulars she wished to remember; but as she sat up writing during a great part of the night, and after her attendants were asleep, her paper failed her, and she continued her letter upon the same sheet on which she had formerly made her memorandums. This she herself takes notice of, and makes an apology for it: "It is late; I desire never to cease from writing unto you, yet now, after the kissing of your hands, I will end my letter. Excuse my evil writing, and read it twice over. Excuse that thing that is scriblit, for I had na paper zesterday, quhen I wrait that of the memorial." Good: ii. 28. These memorandums still appear in the middle of the letter; and what we have said seems naturally to account for the manner how they might find their way into a real letter. It is scarce to be supposed, however, that any forger would think of placing memorandums in the middle of a letter, where, at first sight, they make so absurd and so unnatural an appearance. But if any shall still carry their refinement so far, as to suppose that the forgers were so artful as to throw in this circumstance, in order to preserve the appearance of genuineness, they must at least allow that the Queen's enemies, who employed these forgers, could not be ignorant of the design and meaning of these short notes and memorandums; but we find them mistaking them so far as to imagine that they were the *credit of the bearer*, i. e. points concerning which the Queen had given him

verbal instructions. Good. ii. 152. This they cannot possibly be; for the Queen herself writes with so much exactness concerning the different points in the memorandums, that there was no need of giving any credit or instructions to the bearer concerning them. The memorandums are indeed the *contents* of the letter. 5. Mary, mentioning her conversation with the King, about the affair of Mynto, Hiegait, &c. says, "The morne (i. e. to-morrow) I will speik to him upon that point;" and then adds, "As to the rest of Wille Hiegait's, he confessit it; but it was the morne (i. e. the morning) after my coming or he did it." Good. ii. 9. This addition, which could not have been made till after the conversation happened, seems either to have been inserted by the Queen into the body of the letter, or, perhaps, she having written it on the margin, it was taken thence into the text. If we suppose the letter to be a real one, and written at different times, as it plainly bears, this circumstance appears to be very natural; but no reason could have induced a forger to have ventured upon such an anachronism, for which there was no necessity. An addition perfectly similar to this made to a genuine paper, may be found, Good. ii. 282.

But, on the other hand, Mary herself, and the advocates for her innocence have contended, that these letters were forged by her enemies, on purpose to blast her reputation, and to justify their own rebellion. It is not necessary to take notice of the arguments which were produced, in her own age, in support of this opinion; the observations which we have already made, contain a full reply to them. An author, who has inquired

into the affairs of that period with great industry, and who has acquired much knowledge of them, has published (as he affirms) a demonstration of the forgery of Mary's letters. This demonstration he founds upon evidence both internal and external. With regard to the former, he observes, that the French copy of the Queen's letters is plainly a translation of Buchanan's Latin copy; which Latin copy is only a translation of the Scottish copy; and, by consequence, the assertion of the Queen's enemies, that she wrote them originally in French, is altogether groundless, and the whole letters are gross forgeries. He accounts for this strange succession of translations, by supposing that when the forgery was projected, no person could be found capable of writing originally in the French language letters which would pass for the Queen's; for that reason they were first composed in Scottish; but unluckily the French interpreter, as he conjectures, did not understand that language; and therefore Buchanan translated them into Latin, and from his Latin they were rendered into French. Good. i. 79, 80.

It is hardly necessary to observe, that no proof whatever is produced of any of these suppositions. The manners of the Scots, in that age, when almost every man of rank spent a part of his youth in France, and the intercourse between the two nations was great, render it altogether improbable that so many complicated operations should be necessary in order to procure a few letters to be written in the French language.

But without insisting farther on this, we may observe, that all this author's premises may be granted, and yet his conclusion will not follow,

unless he likewise prove that the French letters, as we now have them, are a true copy of those which were produced by Murray and his party in the Scottish Parliament, and at York and Westminster. But this he has not attempted; and if we attend to the history of the letters, such an attempt, it is obvious, must have been unsuccessful. The letters were first published at the end of Buchanan's *Detection*. The first edition of this treatise was in Latin, in which language three of the Queen's letters were subjoined to it; this Latin edition was printed A. D. 1571. Soon after, a Scottish translation of it was published, and at the end of it were printed, likewise in Scottish, the three letters which had formerly appeared in Latin, and five other letters in Scottish, which were not in the Latin edition. Next appeared a French translation of the Detection, and of seven of the letters; this bears to have been printed at Edinburgh by Thomas Waltein, 1572. The name of the place, as well as the printer, is allowed by all parties to be a manifest imposture. Our author, from observing the day of the month, from which the printing is said to have been finished, has asserted that this edition was printed at London; but no stress can be laid upon a date found in a book, where every other circumstance with regard to the printing is allowed to be false. Blackwood, who (next to Lefly) was the best informed of all Mary's advocates in that age, affirms that the French edition of the Detection was published in France; "Il (Buchanan) a depuis adjousté à ceste declamation un petit libelle du pretendu mariage du Duc de Norfolk, et de la façon de son

proces, et la tout envoyé aux frères à la Rochelle, lesquels voyant qu'il pouvoit servir à la cause, l'ont traduit en François, et iceluy fut imprimé à Edinbourg, c'est à dire, à la Rochelle, par Thomas Waltem, nom aposté et fait à plaisir. Martyre de Marie. Jebb. ii. 256." The author of the *Innocence de Marie* goes farther, and names the French translator of the Detection. "Et icelui premierement composé (comme il semble) par George Buchanan Escossoys, et depuis traduit en langue Françoise par un Hugonot, Poitevin (advocat de vocation) Camuz, soy disant gentilhomme, et un de plus remarquez seditieuz de France. Jebb, i. 425. 443." The concurring testimony of two contemporary authors, whose residence in France afforded them sufficient means of information, must outweigh a slight conjecture. This French translator does not pretend to publish the original French letters as written by the Queen herself; he expressly declares that he translated them from the Latin. Good. i. 103. Had our author attended to all these circumstances, he might have saved himself the labor of so many criticisms to prove that the present French copy of the letters is a translation from the Latin. The French editor himself acknowledges it, and, so far as I know, no person ever denied it.

We may observe that the French translator was so ignorant, as to affirm that Mary had written these letters, partly in French, partly in Scottish. Good. i. 103. Had this translation been published at London by Cecil, or had it been made by his direction, so gross an error would not have been admitted into it. This error, however, was

owing to an odd circumstance. In the Scottish translation of the Detection, two or three sentences of the original French were prefixed to each letter, which breaking off with an &c. the Scottish translation of the whole letter followed. This method of printing translations was not uncommon in that age. The French editor observing this, foolishly concluded that the letters had been written partly in French, partly in Scottish.

If we carefully consider those few French sentences of each letter, which still remain, and apply to them that species of criticism, by which our author has examined the whole, a clear proof will arise, that there was a French copy not translated from the Latin, but which was itself the original from which both the Latin and Scottish have been translated. This minute criticism must necessarily be disagreeable to many readers; but luckily a few sentences only are to be examined, which will render it extremely short.

In the first letter, the French sentence prefixed to it ends with these words, *y faisoit bon*. It is plain this expression, *veu ce que peut un corps sans cœur*, is by no means a translation of *cum plane perinde esset atque corpus sine corde*. The whole sentence has a spirit and elegance in the French, which neither the Latin nor Scottish have retained. *Jusques à la dinée* is not a translation of *toto prandii tempore*; the Scottish translation, *quhile denner-time*, expresses the sense of the French more properly; for anciently *quhile* signified *until* as well as *during*. *Je n'ay pas tenu grand propos* is not justly rendered *neque contulerim sermonem cum quoquam*; the phrase used in the

French copy is one peculiar to that language, and gives a more probable account of her behaviour than the other. *Jugeant bien qu'il n'y faisoit bon*, is not a translation of *ut qui judicarent id non esse ex usu*. The French sentence prefixed to Lett. 2. ends with *apprendre*. It is evident that both the Latin and Scottish translations have omitted altogether these words, *et toutefois je ne puis apprendre*. The French sentence prefixed to Lett. 3. ends with *presenter*. *J'aye veillè plus tard la haut* is plainly no translation of *diutius illic morata sum*; the sense of the French is better expressed by the Scottish *I have walkit later there up*. Again, *Pour excuser vostre affaire* is very different from *ad excusandum nostra negotia*. The five remaining letters never appeared in Latin; nor is there any proof of their being ever translated into that language. Four of them, however, are published in French. This entirely overturns our author's hypothesis concerning the necessity of a translation into Latin.

In the Scottish edition of the Detection the whole sonnet is printed in French as well as in Scottish. It is not possible to believe that this Scottish copy could be the original from which the French was translated. The French consists of verses which have both measure and rhyme, and which, in many places, are far from being inelegant. The Scottish consists of an equal number of lines, but without measure or rhyme. Now no man could ever think of a thing so absurd and impracticable, as to require one to translate a certain given number of lines in prose into an equal number of verses, where both measure and rhyme were to be observed. The Scottish,

on the contrary, appears manifestly to be a translation of the French; the phrases, the idioms, and many of the words are French, and not Scottish. Besides, the Scottish translator has, in several instances, mistaken the sense of the French, and in many more expresses the sense imperfectly. Had the sonnet been forged, this could not have happened. The directors of the fraud would have understood their own work. I shall satisfy myself with one example, in which there is a proof of both my assertions. Stanza viii. ver. 9.

Pour luy j'attendz toute bonne fortune,
Pour luy je veux garder santé et vie,
Pour luy tout vertu de suivre j'ay envie.
For him I attend all good fortune,
For him I will conserve helthe and lyfe,
For him I desire to ensue courage.

Attend in the first line is not a Scottish, but a French phrase; the two other lines do not express the sense of the French, and the last is absolute nonsense.

The eighth letter was never translated into French. It contains much refined mysticism about devices, a folly of that age, of which Mary was very fond, as appears from several other circumstances, particularly from a letter concerning *imprese* by Drummond of Hawthornden. If Mary's adversaries forged her letters, they were certainly employed very idly when they produced this.

From these observations it seems to be evident that there was a French copy of Mary's letters,

of which the Latin and Scottish were only translations. Nothing now remains of this copy but those few sentences which are prefixed to the Scottish translation. The French editor laid hold of these sentences, and tacked his own translation to them, which, so far as it is his work, is a servile and a very wretched translation of Buchanan's Latin; whereas, in those introductory sentences, we have discovered strong marks of their being originals, and certain proofs that they are not translated from the Latin.

It is apparent, too, from comparing the Latin and Scottish translations with these sentences, that the Scottish translator has more perfectly attained the sense and spirit of the French than the Latin. And as it appears that the letters were very early translated into Scottish, Good. ii. 76. it is probable that Buchanan made his translation not from the French, but from the Scottish copy. Were it necessary, several critical proofs of this might be produced. One that has been already mentioned seems decisive. *Diutius illic morata sum* bears not the least resemblance to *j'ay veillé plus tard la haut*; but if, instead of *I walkit* (i. e. watched) *laiter there up*, we suppose that Buchanan read *I waitit*, &c. this mistake into which he might so easily have fallen, accounts for the error in his translation.

These criticisms, however minute, appear to be well founded. But whatever opinion may be formed concerning them, the other arguments, with regard to the internal evidence, remain in full force.

The external proofs of the forgery of the Queen's letters, which our author has produced, appear at first sight to be specious, but are not more solid than that which we have already examined. These proofs may be classed under two heads. 1. The erroneous and contradictory accounts which are said to be given of the letters, upon the first judicial production of them. In the Secret Council held Decem. 4, 1567, they are described "as her privie letters written and subscrivit with her awin hand." Haynes, 454. Good. ii. 64. In the act of parliament, passed on the 15th of the same month, they are described as "her privie letters writhin halelie with hir awin hand." Good. ib. 67. This diversity of description has been considered as a strong presumption of forgery. The manner in which Mr. Hume accounts for this is natural and plausible, vol. vi. p. 491. And several ingenious remarks, tending to confirm his observations, are made in a pamphlet lately published, entitled, *Miscellaneous Remarks on the Inquiry into the Evidence against Mary Queen of Scots.* To what they have observed it may be added, that the original act of Secret Council does not now exist; we have only a copy of it found among Cecil's papers, and the transcriber has been manifestly so ignorant, or so careless, that an argument founded entirely upon the supposition of his accuracy is of little force. Several errors into which he has fallen, we are enabled to point out, by comparing his copy of the act of Secret Council with the act of Parliament passed in consequence of it. The former contains a petition to Parliament; in the latter the real petition

tion is resumed *verbatim*, and converted into a law. In the copy, the Queen's marriage with Bothwell is called "a priveit marriage," which it certainly was not; for it was celebrated, after proclamation of banns, in St. Giles's church three several days, and with public solemnity, but in the act it is denominated "ane pretendit marriage," which is the proper description of it according to the ideas of the party. In the copy, the Queen is said "to be so thrall and *bludy* affectionat to the privat appetite of that tyran," which is nonsense, but in the act it is "blindly affectionat." In the copy, it is said, "all nobill and virtuous men abhorring their *traine* and company." In the act, "their tyrannie and companie," which is evidently the true reading, as the other has either no meaning, or is a mere tautology. 2. The other proof of the forgery of the letters, is founded upon the impossibility of reconciling the account, given of the time when, and the places from which, the letters are supposed to have been written, with what is certainly known concerning the Queen's motions. According to the paper published, Anders. ii. 269. which has been called Murray's Diary, and which is formed upon the authority of the letters, Mary set out from Edinburgh to Glasgow, January 21, 1567; she arrived there on the 23d; left that place on the 27th; she, together with the King, reached Linlithgow on the 28th, stayed in that town only one night, and returned to Edinburgh before the end of the month. But, according to Mr. Goodal, the Queen did not leave Edinburgh until Friday January 24th; as she stayed a night at Callendar,

she could not reach Glasgow sooner than the evening of Saturday the 25th, and she returned to Linlithgow on Tuesday the 28th. By consequence, the first letter, which supposes the Queen to have been at least four days in Glasgow, as well as the second letter, which bears date at Glasgow *Saturday morning*, whereas she did not arrive there until the evening, must be forgeries. That the Queen did not set out from Edinburgh sooner than the 24th of January, is evident (as he contends) from the public records, which contain a *Precept of a confirmation of a life-rent* by James Boyd to Margaret Chalmers, granted by the Queen, on the 24th of January, at Edinburgh; and likewise a letter of the Queen's dated at Edinburgh on the same day, appointing James Inglis taylor to the Prince her son. That the King and Queen had returned to Linlithgow on the 28th, appears from a deed, in which they appoint Andrew Ferrier keeper of their palace there, dated at Linlithgow January 28. Good. i. 118.

This has been represented to be not only a convincing, but a legal proof of the forgery of the letters said to be written by Mary; but how far it falls short of this will appear from the following considerations:

1. It is evident, from a declaration or confession made by the Bishop of Ross, that before the conferences at York, which were opened in the beginning of October 1568, Mary had, by an artifice of Maitland's, got into her hands a copy of those letters which her subjects accused her of having written to Bothwell. Brown's trial of the

Duke of Norfolk, 31. 36. It is highly probable that the Bishop of Ross had seen the letters before he wrote the defence of Queen Mary's honor in the year 1570. They were published to all the world, together with Buchanan's Detection, A.D. 1571. Now, if they had contained an error so gross, and, at that time, so obvious to discovery, as the supposing the Queen to have passed several days at Glasgow, while she was really at Edinburgh; had they contained a letter dated at Glasgow Saturday morning, though she did not arrive there till the evening; is it possible that she herself, who knew her own motions, or the able and zealous advocates who appeared for her in that age, should not have published and exposed this contradiction, and, by so doing, have blasted, at once, the credit of such an imposture? In disquisitions which are naturally abstruse and intricate, the ingenuity of the latest author may discover many things which have escaped the attention, or baffled the sagacity of those who have formerly considered the same subject. But when a matter of fact lay so obvious to view, this circumstance of its being unobserved by the Queen herself, or by any of her adherents, is almost a demonstration that there is some mistake or fallacy in our author's arguments. So far are any, either of our historians, or of Mary's defenders, from calling in question the common account concerning the time of the Queen's setting out to Glasgow and her returning from it, that there is

not the least appearance of any difference among them with regard to this point. But farther,

2. Those papers in the public records, on which our author rests the proof of his assertion concerning the Queen's motions, are not the originals subscribed by the Queen, but copies only, or translations of copies of those originals. It is not necessary, nor would it be very easy to render this intelligible to persons unacquainted with the forms of law in Scotland; but every Scotsman conversant in business will understand me, when I say that the precept of confirmation of the life-rent to Boyd is only a Latin copy or note of a precept, which was sealed with the Privy-seal, on a warrant from the signet-office, proceeding on a signature which bore date at Edinburgh the 24th of January; and that the deed in favor of James Inglis is the copy of a letter, sealed with the Privy-seal, proceeding on a signature which bore date at Edinburgh January 24. From all this we may argue with some degree of reason, that a proof founded on papers, which are so many removes distant from the originals, cannot but be very lame and uncertain.

3. At that time all public papers were issued in the name both of the King and Queen, by law, the King's subscription was no less requisite to any paper than the Queen's; and therefore unless the original signatures be produced, in order to ascertain the particular days when each of them signed, or to prove that it was signed only by one of them, the legal proof arising from these

papers would be, that both the King and Queen signed them at Edinburgh on the 24th of January.

4. The dates of the warrants or precepts issued by the sovereign, in that age, seem to have been in a great measure arbitrary, and affixed at the pleasure of the writer; and, of consequence, these dates were seldom accurate, are often false, and can never be relied upon. This abuse became so frequent, and was found to be so pernicious, that an act of parliament, A. D. 1592, declared the fixing a false date to a signature to be High Treason.

5. There still remain, in the public records, a great number of papers, which prove the necessity of this law, as well as the fallacy of our author's arguments. And though it be no easy matter, at the distance of two centuries, to prove any particular date to be false, yet surprising instances of this kind shall be produced. Nothing is more certain from history, than that the King was at Glasgow 24th January 1567; and yet the record of signatures from 1565 to 1582, Fol. 16th, contains the copy of a signature to Archibald Edmonston, said to have been subscribed by *our Sovereigns*, i. e. the King and Queen, at Edinburgh, January 24, 1567; so that if we were to rely implicitly upon the dates in the records of that age, or to hold our author's argument to be good, it would prove that not only the Queen, but the King too, was at Edinburgh on the 24th of January.

It appears from an original letter of the Bishop of Ross, that on the 25th of Octobre 1566, Mary lay at the point of death; Keith, App. 134; and yet a deed is to be found in the public records, which bears that it was signed by the Queen that day. Privy-seal; lib. 35. fol. 89. *Ouchterlony* *.

Bothwell seized the Queen as she returned from Stirling, April 24th, 1567, and (according to her own account) conducted her to Dunbar with all diligence. And. i. 95. But our author, relying on the dates of some papers which he found in the records, supposes that Bothwell allowed her to stop at Edinburgh, and to transact business there. Nothing can be more improbable than this supposition. We may therefore rank the date of the deed to *Wright*, Privy-seal, lib. 36. fol. 43. and which is mentioned by our author, vol. i. 124. among the instances of the false dates of papers which were issued in the ordinary course of business in that age. Our author has mistaken the date of the other paper to *Forbes*, ibid. it is signed April 14th, not April 24th.

If there be any point agreed upon in Mary's history, it is, that she remained at Dunbar from the time that Bothwell carried her thither, till

* N. B. In some of the early editions of this Dissertation, another instance of the same nature with those which go before and follow was mentioned; but that, as has since been discovered, was founded on a mistake of the person employed to search the records, and is therefore omitted in this edition. The reasoning, however, in the Dissertation stands still in force, notwithstanding this omission.

she returned to Edinburgh along with him in the beginning of May. Our author himself allows that she resided twelve days there, vol. i. 367. Now though there are deeds in the records which bear that they were signed by the Queen at Dunbar during that time, yet there are others which bear that they were signed at Edinburgh; e. g. there is one at Edinburgh, April 27th, Privy-seal, lib. 36. fol. 97. There are others said to be signed at Dunbar on that day. Lib. 31. Chart. No. 524 526. Ib. lib. 32. No. 154. 157. There are some signed at Dunbar April 28th. Others at Edinburgh April 30th, lib. 32. Chart. No. 492. Others at Dunbar May 1st. Id. ibid. No. 158. These different charters suppose the Queen to have made so many unknown, improbable, and inconsistent journeys, that they afford the clearest demonstration that the dates in these records ought not to be depended on.

This becomes more evident from the date of the charter said to be signed April 27th, which happened that year to be a Sunday, which was not, at that time, a day of business in Scotland, as appears from the books of *federunt*, then kept by the Lords of Session.

From this short review of our author's proof of the forgery of the Letters to Bothwell, it is evident that his arguments are far from amounting to demonstration.

Another argument against the genuineness of these letters is founded on the style and composition,

which are said to be altogether unworthy of the Queen, and unlike her real productions. It is plain, both from the great accuracy of composition in most of Mary's letters, and even from her solicitude to write them in a fair hand, that she valued herself on those accomplishments, and was desirous of being esteemed an elegant writer. But when she wrote at any time in a hurry, then many marks of inaccuracy appear. A remarkable instance of this may be found in a paper published, Good. ii. 301. Mary's letters to Bothwell were written in the utmost hurry; and yet under all the disadvantages of a translation, they are not destitute either of spirit or of energy. The manner in which she expresses her love to Bothwell has been pronounced indecent and even shocking. But Mary's temper led her to warm expressions of her regard; those refinements of delicacy, which now appear in all the commerce between the sexes, were, in that age, but little known, even among persons of the highest rank. Among the Earl of Hardwicke's papers there is a series of letters, from Mary to the Duke of Norfolk, copied from the Harleian Library, P. 37. B. 9. Fol. 88. in which Mary declares her love to that nobleman in language which would now be reckoned extremely indelicate; Hardw. State-Papers, i. 189, &c.

Some of Mary's letters to Bothwell were written before the murder of her husband; some of them after that event, and before her marriage to Bothwell. Those which are prior to the death of her husband abound with the fondest expres-

sions of her love to Bothwell, and excite something more than a suspicion that their familiarity had been extremely criminal. We find in them, too, some dark expressions, which her enemies employed to prove that she was no stranger to the schemes which were forming against her husband's life. Of this kind are the following passages, " Alace! I nevir dissavit ony body; bot I remit me altogidder to zour will. Send me advertisement quhat I fall do, and quhatsaever thing come therof, I fall obey zow. Advise to with zourself, gif ze can find out ony mair secret inventioun by medicine, for he suld tak medicine and the bath at Craigmellar." Good. ii. 22. " See not hir quhais fenzeit teiris suld not be fa meikle praisit and estemit, as the trew and faithfull travellis quhilk I sustene for to merit hir place. For obtaining of the quhilk, agains my natural, I betrayis thame that may impesche me. God forgive me," &c. Ibid. 27. " I have walkit later thairup, than I wald have done, gif it had not been to draw something out of him, quhilk this berer will schaw zow, quhilk is the fairest commodity that can be offerit to excuse zour affairis." Ibid. 32. From the letters posterior to the death of her husband, it is evident that the scheme of Bothwell's seizing Mary by force, and carrying her along with him, was contrived in concert with herself, and with her approbation¹.

¹ That letters of so much importance as those of Mary to Bothwell should have been entirely lost, appears to many alto-

WITH respect to the Sonnets, Sir David Dalrymple has proved clearly, that they must

gether unaccountable. After being produced in England before Elizabeth's commissioners, they were delivered back by them to the Earl of Murray. Good. ii. 235. He seems to have kept them in his possession during life. After his death, they fell into the hands of Lenox his successor, who restored them to the Earl of Morton. Good. ii. 91. Though it be not necessarily connected with any of the questions which gave occasion to this Dissertation, it may perhaps satisfy the curiosity of some of my readers to inform them, that, after a very diligent search, which has lately been made, no copy of Mary's letters to Bothwell can be found in any of the public libraries in Great Britain. The only certain intelligence concerning them, since the time of their being delivered to Morton, was communicated by the accurate Dr. Birch.

Extract of the letters of Robert Bowes, Esq; ambassador from Queen Elizabeth to the King of Scotland, written to Sir Francis Walsingham, secretary of state, from the original register book of Mr. Bowes's letters, from 15th of August 1582, to 28th September 1583, in the possession of Christopher Hunter, M. D. of Durham.

1582, 8th November, from Edinburgh.

Albeit I have been borne in hand, That the coffer wherein were the originals of letters between the Scottish Queen and the Earl of Bothwell, had been delivered to sundry hands, and thereby was at present wanting, and unknown where it rested, yet I have learned certainly by the Prior of Pluscardyne's means, that both the coffer and also the writings are come, and now remain with the Earl of Gowrie, who, I perceive, will be hardly intreated to make delivery to her Majesty according to her Majesty's desire.

This time past I have expended in searching where the coffer and writings were, wherein without the help of the Prior I

have been written after the murder of the King, and prior to Mary's marriage with Both.

should have found great difficulty; now I will essay Gowrie, and of my success you shall be shortly advertised.

12th of November 1582, from Edinburgh.

Because I had both learned, that the casket and letters mentioned in my last, before these were come to the possession of the Earl of Gowrie, and also found that no mean might prevail to win the same out of his hands without his own consent and privity; in which behalf I had employed fit instruments, that nevertheless profited nothing; therefore, I attempted to essay himself, letting him know that the said casket and letters should have been brought to her Majesty by the offer and good means of good friends, promising to have delivered them to her Majesty before they came into his hands and custody, and knowing that he did bear the like affection, and was ready to pleasure her Majesty in all things, and chiefly in this that had been thus far tendered to her Majesty, and which thereby should be well accepted, and with princely thanks and gratuity be requited to his comfort and contentment; I moved him that they might be a present to be sent to her Majesty from him, and that I might cause the same to be conveyed to her Majesty, adding hereunto such words and arguments as might both stir up a hope of liberality, and also best effect the purpose. At the first he was loth to agree that they were in his possession; but I let him plainly know that I was certainly informed that they were delivered to him by Sanders Jardin; whereupon he pressed to know who did so inform me, enquiring whether the sons of the earl of Morton had done it or no. I did not otherwise in plain terms deny or answer thereunto, but that he might think that he had told me, as the Prior is ready to avouch, and well pleased that I shall give him to be the author thereof; after he had said (though) all these letters were in his keeping (which he would neither grant nor

well. But as hardly any part of my narrative is founded upon what is contained in the

deny) yet he might not deliver them to any person without the consents and privities , as well of the King., that had interest therein , as also of the rest of the noblemen enterprisers of the action against the King's mother , and that would have them kept as an evidence to warrant and make good that action. And albeit I replied , that their action in that part touching the assignation of the crown to the King by his mother , had received such establishment , confirmation , and strength , by acts of parliament and other public authority and instruments , as neither should that case be suffered to come in debate or question , nor such scrolls and papers ought to be shewed for the strengthening thereof , so as these might well be left and be rendered to the hands of her Majesty , to whom they were destined before they fell in his keeping ; yet he would not be removed or satisfied ; concluding , after much reasonings , that the Earl of Morton , nor any other that had the charge and keeping thereof , durst at any time make delivery ; and because it was the first time that I had moved him therein , and that he would gladly both answer her Majesty's good expectation in him , and also perform his duty due to his sovereign and associates in the action aforesaid ; therefore he would seek out the said casket and letters , at his return to his house , which he thought should be within short time ; and upon finding of the same , and better advice and consideration had of the cause , he would give further answer . This resolution I have received as to the thing ; and for the present I could not better , leaving him to give her Majesty such testimony of his good will towards her , by his frank dealing herein , as she may have cause to confirm her Highnesses good opinion conceived already of him , and be thereby drawn to greater goodness towards him . I shall still labour him both by myself and also by all other means ; but I greatly distrust the desired success herein .

Sonnets, and as in this Dissertation I have been constrained to dwell longer upon minute and ver-

24th of November 1582, from Edinburgh.

For the recovery of the letters in the coffet, come to the hands of the Earl of Gowrie, I have lately moved him earnestly therein, letting him know the purpose of the Scottish Queen, both giving out that the letters are counterfeited by her rebels, and also seeking thereon to have them delivered to her or defaced, and that the means which she will make in this behalf shall be so great and effectual, as these writings cannot be safely kept in that realm without dangerous offence of him that hath the custody thereof, neither shall he that is once known to have them be suffered to hold them in his hands. Herewith I have at large opened the perils likely to fall to that action, and the parties therein, and particularly to himself that is now openly known to have the possession of these writings, and I have lettin him see what surely it shall bring to the said cause and all the parties therein, and to himself, that these writings may be with secrecy and good order committed to the keeping of her Majesty, that will have them ready whensoever any use shall be for them, and by her Highnesses countenance defend them and the parties from such wrongful objections as shall be laid against them, offering at length to him, that if he be not fully satisfied herein, or doubt that the rest of the associates shall not like of the delivery of them to her Majesty in this good manner, and for the interest rehearsed, that I shall readily, upon meeting and conference with them, procure their assent in this part (a matter more easy to offer than to perform); and lastly, moving him that (for the secrecy and benefit of the cause, and that her Majesty's good opinion towards himself may be firmly settled and confirmed by his acceptable forwardnes herein) he would, without needless scruple, frankly commit these writings to her Majesty's good custody for the good uses received. After long debate he resolved, and said, that he would unfeignedly shew and do to

bal criticisms, than may be interesting or agreeable to many of my readers, I shall rest satisfied

her Majesty all the pleasure that he might without offence to the King his Sovereign, and prejudice to the associates in the action, and therefore he would first make search and view the said letters, and herein take advice what he might do, and how far he might satisfy and content her Majesty; promising thereon to give more resolute answer; and he concluded flatly, that after he had found and seen the writings, that he might not make delivery of them without the privity of the King. Albeit I stood long with him against his resolution in this point, to acquaint the King with this matter before the letters were in the hands of her Majesty, letting him see that his doings there should admit great danger to the cause; yet I could not remove him from it. It may be that he meaneth to put over the matter from himself to the King, upon sight whereof I shall travel effectually to obtain the King's consent, that the letters may be committed to her Majesty's keeping, thinking it more easy to prevail herein with the King, in the present love and affection that he beareth to her Highness; than to win any thing at the hands of the associates in the action, whereof some principal of them now come and remain at the devotion of the King's mother; in this I shall still call on Gowrie, to search out the coffer, according to his promise; and as I shall find him minded to do therein so shall I do my best and whole endeavour to effect the success to her Majesty's best contentment.

2d December 1582, from Edinburgh.

Because I saw good opportunity offered to renew the matter to the Earl of Gowrie for recovery of the letters in the coffer in his hands, therefore I put him in mind thereof; whereupon he told me, that the Duke of Lenox had sought earnestly to have had those letters, and that the King did know where they were, so as they could not be delivered to her

with referring, for information concerning every particular relative to the Sonnets, to *Remarks on the History of Scotland*, Chap. XI.

HAVING thus stated the proof on both sides; having examined at so great a length the different systems with regard to the facts in controversy; it may be expected that I should now pronounce sentence. In my opinion, there are only two conclusions, which can be drawn from the facts which have been enumerated.

One, that Bothwell, prompted by his ambition or love, encouraged by the Queen's known aversion to her husband, and presuming on her attachment to himself, struck the blow without having concerted with her the manner or circumstances of perpetrating that crime. That Mary, instead of testifying much indignation at the deed, or discovering any resentment against Bothwell, who was accused of having committed it, continued to load

Majesty without the King's privity and consent, and he pretended to be still willing to please her Majesty in the same, so far as he may with his duty to the King and to the rest of the associates in that action; but I greatly distrust to effect this to her Majesty's pleasure, wherein, nevertheless, I shall do my uttermost endeavours.

Whether James VI. who put the Earl of Gowrie to death, A.D. 1584, and seized all his effects, took care to destroy his mother's letters, for whose honour he was at that time extremely zealous; whether they have perished by some unknown accident; or whether they may not still remain unobserved among the archives of some of our great families, it is impossible to determine.

him with marks of her regard, conducted his trial in such a manner as rendered it impossible to discover his guilt, and soon after, in opposition to all the maxims of decency or of prudence, voluntarily agreed to a marriage with him, which every consideration should have induced her to detest. By this verdict, Mary is not pronounced guilty of having contrived the murder of her husband, or even of having previously given her consent to his death; but she is not acquitted of having discovered her approbation of the deed, by her behaviour towards him who was the author of it.

The other conclusion is that which Murray and his adherents labored to establish, "That James, sometymme Erle of Bothwile, was the chiefe executor of the horribill and unworthy murder, perpetrat in the person of umquahile King Henry of gude memory, fader to our Souveraine Lord, and the Queenis lauchfull husband; sa was she of the foreknowledge, counsayl, devise, perswadar and commander of the said murder to be done." Good ii. 207.

Which of these conclusions is most agreeable to the evidence that has been produced, I leave my readers to determine.

APPENDIX.

A P P E N D I X.

N^o. I. (Vol. I. p. 216.)

A MEMORIAL of certain points meet
for restoring the realm of SCOTLAND to
the antient weale.

IMPRIMIS,^{*} it is to be noted, that the best worldly
felicity that Scotland can have, is either to continue in a
perpetual peace with the kingdom of England, or to
be made one monarchy with England, as they both make
but one island, divided from the rest of the world.

If the first is fought, that is, to be in perpetual peace
with England, then must it necessarily be provided, that
Scotland be not so subject to the appointments of France,
as is presently, which, being an antient enemy to England,
seeketh always to make Scotland an instrument, to exer-
cise, thereby, their malice upon England, and to make
a foot-stool thereof to look over England as they may.

Therefore, when Scotland shall come into the hands
of a m^ere Scottish man in blood, then may there be hope
of such accord; but as long as it is at the commandment
of the French, there is no hope to have accord long
betwixt these two realms.

Therefore seeing it is at the French King's com-
mandment by reason of his wife, it is to be considered

* 5th August 1559, Cotton. Lib. Cat. B. 10. fol. 17. From a copy
in secretary Cecil's hand.

for the weale of Scotland, that until she have children, and during her absence out of the realm, the next heirs to the crown, being the house of the Hamiltons, should have regard hereto, and to see that neither the crown be imposed nor wasted; and, on the other side, the nobility and commonalty ought to force that the laws and the old customs of the realm be not altered, neither that the country be not impoverished by taxes, emprest, or new imposts, after the manner of France; for provision wherein, both by the law of God and man, the French king and his wife may be moved to reform their misgovernance of the land.

And for this purpose, it were good that the nobility and commons joined with the next heir of the crown, to seek due reformation of such great abuses as tend to the ruin of their country, which must be done before the French grow too strong and insolent.

First, That it may be provided, by consent of the three estates of the land, that the land may be free from all idolatry like as England is; for justification whereof, if any free general council may be had where the Pope of Rome have not the seat of judgment, they may offer to show their cause to be most agreeable to Christ's religion.

Next, to provide that Scotland might be governed, in all rules and officers, by the antient blood of the realm, without either captains, lieutenants, or soldiers, as all other Princes govern their countries, and especially that the forts might be in the hands of mere Scottish men.

Thirdly, that they might never be occasioned to enter into wars against England, except England should give the first cause to Scotland.

Fourthly, that no nobleman of Scotland should receive pension of France, except it were whilst he did serve in France, for otherwise thereby the French would shortly corrupt many to betray their own country.

Fifthly, that no office, abbey, living, or commodity, be given to any but mere Scottish men, by the assent of the three estates of the realm.

Sixth, that there be a council in Scotland appointed in the queen's absence, to govern the whole realm, and in those cases not to be directed by the French.

Seventhly, that it be by the said three estates appointed how the queen's revenue of the realm shall be expended, how much the queen shall have for her portion and estate during her absence, how much shall be limited to the governance and defence of the realm, how much yearly appointed to be kept in treasure.

In these, and such like points, if the French king and the queen be found unwilling, and will withstand these provisions for the weale of the land, then hath the three estates of the realm authority, forthwith, to intimate to the said king and queen their humble requests; and if the same be not effectually granted, then humbly they may commit the governance thereof to the next heir of the crown, binding the same also to observe the laws and ancient rights of the realm.

Finally, If the queen shall be unwilling to this, as it is likely she will, in respect of the greedy and tyrannous affection of France, then it is apparent that Almighty God is pleased to transfer from her the rule of the kingdom for the weale of it, and this time must be used with great circumspection, to avoid the deceits and tromperies of the French.

And then may the realm of Scotland consider, being once made free, what means may be devised by God's goodness, to accord the two realms, to endure for time to come at the pleasure of Almighty God, in whose hands the hearts of all princes be:

N^o. II. (Vol. I. p. 226.)

A letter of Maitland of Lethington's, thus directed:

To my loving friend James. Be this delivered
at London.

I UNDERSTAND by the last letter I received from you, that discoursing with your countrymen upon the matter of Scotland, and commodityes may ensue to that realm hereafter, gif ze presently assist ws with your forces, ze find a nombre² of the contrary advise, doubting that we fall not at length be found trusty friends, nor mean to contynew in constant ametye, albeit we promise, but only for avoyding the present danger make zow to serve our turne, and after being delivered, becom enemies as of before. For profe quhareof, they alledge things that have past betwixt ws heretofore, and a few presumptiones tending to the sam end, all grounded upon mistrust; quhilks, at the first ficht, have some shewe of appearance, gif men wey nor the circumstancies of the matter; but gif they will confer the tyme past with the present, consider the nature of this caus, and estate of our contrye, I doubt not but judgement sal be able to banish mistrust. And first, I wad wish ze should examine the causes of the old inmitye betwixt the realms of England and Scotland, and quhat moved our ancestors to enter into ligue with the Frenche; quhilks by our storeys and registres off antiquiteys appear to be these. The princes of England, some tyme, alledging a certain kynde of soveraintye over this realm; some tyme upon hye courage, or incited by incursions off our bordourares, and semblable occasions, mony tymes enterprised

² 20th January 1559-60. Cott. Lib. B. ix. From the original in his own hand.

the conquest of ws, and sa far furth preist it by force off armes, that we wer dryven to great extramiteys, by loss of our princes, our noblemen, and a good part of our contrey, sa that experience taught ws that our owne strength was scarce sufficient to withstand the force of England. The Frenche zour auncient enemies, considering well how nature had sa placed ws in a island with zow, that na nation was able sa to annoye England as we being enemyes, soucht to joine ws to theym in ligue, tending by that meane to detourne zour armyes from the invasion off France, and occupy zow in the defence of zour country at hame, offering for that effect to bestowe some charges upon ws, and for compassing off theyr purpos, choysed a tyme to propone the matter, quhen the fresche memory of injuris lately receaved at zour hands, was sa depely prented on our hertes, that all our myndes were occupied how to be revenged, and arme ourselfes with the powar of a forayne prince against zour enterprises thereafter.

This wes the beginning off our confederacy with France. At quhilke tyme, our cronicles maks mention, that some off the wyllest foresaw the perill, and small frute shoud redound to us thereof at lenth: zit had affection sa blinded jugement, that the advise of the maist part overcame the best. The maist part of all querells betwixt ws since that tyme, at leaft quhen the provocation came on our syde, hes ever fallen out by theyr procurement rather than any one caus off our selves: and quhensaever we brack the peace, it come partly by theyr intysemens, partly to eschew the conquest intended by that realm. But now hes God's providene altered the case, zea changed it to the plat contrary, that now hes the Frenche taken zour place, and we, off very jugement, becum desyrous to have zow in thyr rowme. Our eyes are opened, we espy how uncareful they have been of our weile at all tymes, how they made ws ever to serve theyr turne, drew us in mait dangerous weys for theyre commodite, and nevertheless wad not styck, oft tymes, against the natour of the ligue, to contrak peace, leaving ws in weyr. We

sae that their support, off late zeres, wes not grantit for any affection they bare to ws, for pytie they had off our estate, for recompense of the lyke friendship schawin to theym in tyme off theyr afflictiones, but for ambition, and insaciablie cupiditie to reygne, and to mak Scotland ane accessary to the crown of France. This was na friendly office, but mercenary, craving hyre farre exceeding the proportion of theyr deserving; a hale realm for the defence of a part. We see theym manifestly attempt the thing we suspected off zow; we feared ze ment the conquest off Scotland, and they are planely fallen to that work; we hated zow for doubt we had ze ment evill towards ws, and fall we love theym, quhilks bearing the name off frends, go about to bring ws in maist vile servitude? Gif by zour frendly support at this tynie, ze fall declare that not only seek ze not the ruyne of our country, but will preserve the libertie thereof from conquest by strangeares, fall not the occasion off all inimite with zow, and ligue with theym, be taken away? The causes being removed, how fall the effectes remane? The fear of conquest made us to hate zow and love theym, the cais changed, quhen we see theym planely attempt conquest, and zow schaw ws friendship, fall we not hate theym, and favour zow? Gif we have schawne sa great constance, continuing sa mony zeares in amity with theym, off quhome we had sa small commodite, quhat fall move us to breake with zow, that off all nations may do ws greatest plesour?

But ze will say, this matter may be reconcyled, and then frends as off before. I think weill peace is the end of all weyr, but off this ze may be assured, we will never sa far trust that reconciliation, that we will be content to forgo the ametye of England, nor do any thing may bring ws in suspiccion with zow. Giff we wold, at any tyme to please theym, break with zow, should we not, besydes the losse off estimation and discrediting off ourselfes, perpetually expone our common weill to a maist manifest danger, and becum a prey to theyr tyranny? Quhais aid could we implore, being destitute of zour friendship, gif

they off new wald attempt theyr formar enterprise? Quhat nation myght help ws giff they wald, or wald giff they might? and it is lyke eneuch, thay will not stick hereafter to tak theyr tyme off ws, quhen displefour and grudge hes taken depe rute on baith sydes, seeing ambition has sa impyrit ower theyr reason, that before we had ever done any thing myght offend theym, but by the contrary pleased them by right and wrang, they did not stick to attempte the subversion of our hale state. I wald ze should not esteeme ws sa barayne of jugement, that we cannot foresee our awne pertil; or sa foolische, that we will not study by all gode means to entartayne that thing may be our safetys; quhilk consistes in all the relaying of zour friendships. I pray zow consider in like case, when, in the days of zour princes off maist noble memory king Henry the VIII. and king Edward the VI. meanes were opened off amytye betwixt baith realms; was not at all tymes the difference of religion the onley stay they were not embrased? Did not the craft of our clergy and power of theyr adherents subvert the devises of the better sort? But now has God off his mercy removed that block furth off the way; now is not theyr practice lyke to tak place any mare, when we ar comme to a conformity off doctrine, and profes the same religion with zow, quhilk I take to be the straytest knot of amitye can be devised. Giff it may be alledged, that some of our countrymen, at ony tyme, violated theyr promis? giff ze liff to way the circumstancies, ze fall find the promis is rather brought on by necessite, after a great overthraw off our men, then comme of fre will, and tending ever to our great incommode and decay off our haill state, at leist sa taken. But in this case, fall the preservation of our libertie be inseparably joined with the keping off promesse, and the violation of our fayth cast ws in maist miserable servitude. So that giff neyther the fear off God, reverence of man, religion, othe, promise, nor warldly honestye wes sufficient to bynd, us, yet fall the zeale of our native countrey, the maintenance off our own estate, the safety

of our wyffes and childrene from slavery, compell ws to kepe promise. I am assured, it is trewly and sincerenly ment on our part to continew in perpetual ametye with zow; it fall be uttered by our proceedings. Giff ze be as desyrous of it as we ar, assurances may be devysed, quharby all partyes will be out of doubte. There be gode meanes to do it, fit instruments for the purpos, tyme serves weill, the inhabitants of baith realms wish it, God hes wrought in the people's hertes on bayth parties a certayne still agreement upon it, never did, at any tyme, so mony things concurre at ones to knyt it up, the disposition of a few, quhais harts are in Godis hands, may mak up the hale. I hope he quha hes begun his work, and mainteyned it quhile now, by the expectation of man, fall perfyte it.

I pray zow, let not zour men dryve tyme in consultation, quhether ze fall support ws or no. Seyng the mater speaketh for itself, that ze mon take upon zow the defence off our caus, giff ze have any respect for zour awne weill. Their preparatives in France, and levying of men in Germany, (quheyroff I am lately advertised) ar not altogydder ordeyned for us, ze ar the mark they state at; they feke our realme, but for ane entrey to zours. Giff they should directly schaw hostilitie to zow, they knew zo wald mak redy for theyme, therefor they do, by indirect meanes, to blind zow, the thing, they dare not as zit planely attempte. They feme to invade us to th' end that having assembled theyr hayle forces sa nere zour bordours, they may unlok it to attack zow: It is ane of theyr ald fetches, making a schew to one place, to lyght on ane other. Remember how covertly zour places about Boulogne were affaizeit, and carryed away, ze being in peace as now. How the enterprise of Calais was fynely dissembed, I think ze have not sa sone forgotten. Beware of the third, prevent theyr policy by prudence. Giff ze se not the lyke disposition presently in theym, ze se nathing. It is a grosse ignorance to misknow, what all nations planely speks of. Tak hede ze zay not hereafter,

"Had I wist;" ane uncomely sentence to procede off a wyse man's mouth. That is onwares chanced on to zow, quilk zow commonly wisted, that this countrey myght be divorced from the Frensche, and is sa comme to pass as was maist expedient for zow. For giff by your intysement we had taken the mater in band, ze myght have suspected we would have been untrusty frends, and na langer continued stedfaste, then perril had appeared. But now, quhat off our self, we have conceyved the hatered, provoked by private injuries, and that theyr evil dealing with ws hes deserved our inimitye, let no man dopte but they fall fynde ws ennemyes in ernest, that sa ungently hes demeyned our countrey, and at quhais hands we can look for nathing but all extremitye, giff ever they may get the upper hand. Let not this occasion, sa happily offered, escape zow: giff ze do, neglecting the present opportunitie, and hoping to have ever gode luk comme fleaping upon zow, it is to be feared zour enemye waxe so great, and sa strang, that afterwards quhen ze wald, ze fall not be able to put bim down; and then, to zour smart, after the tyme, ze will acknowledge zour error. Ze have felt, by experience, quhat harme cometh of oversight, and trusting to zour enemyes promise. We offer zow the occasion, quheyrbz zour former losses may be repayed. Quhilk gif ze let over flyde, suffering ws to be overrun, quha then, I pray zow, fall stay the Frensche, that they fall not invade zow in zour own boundes, sick it is their lust to reygne, that they can neither be content with theyr fortune present, nor rest and be satisfied when they have gode luck, but will still follow on, having in theyr awne brayne conceave the image of sa great a conquest, quhat think ye sal be the end? Is ther any of sa small jugement, that he doth not foresee already, that theyr hail force fall then be bent against zow?

It fall not be amis, to consider in quhat case the Frensche be presently. Theyr estate is not always, sa calme at home as every man thinketh. And trewly it wes not theyr great redines for weyr made theym to tak this mater

on hand, at this tyme, but rather a vayne trust in their awne policy, thinking to have found na resistance, their opinion hes deceaved theym, and that makes them now amased. The estates off the empire (as I heare) has futed restitution off the Imperial towns Metz, Toull, and Verdun, quhilke may grow to some besynes; and all thing is not a calme within theyr awne countrey, the leis fit they be presently for weyr, the mare opportune esteme ye the time for zow. Giff the lyke occasion were offered to the Frensch against zow, wey, how gladly would they embrace it. Are ze not eschamed of zour fleuth, to spare theym that hes already compassed zour destruction, giff theym wer able? Consider with zour self quhilks is to be choysed? To weyr against them out with eour realme or within? Giff quhill ze fleape, we fal be overthrowne, then fall they not fayle to fute zow in zour awne countrey, and use ws as a fote stole to overloke zow. But ~~some~~ will say, perhaps, they meane it not. It is foly to think they wald not giff they wer able, quhen before hand they stick not to giff zour armes, and usurpe the style of zour crown. Then quhat difference there is to camp within* zowr awne bounds or without, it is manifest. Giff twa armyes should camp with in zowr country, but a moneth; albeit ye receaved na other harme, zit should zowr losse be greater, nor all the charge ze will nede to bestow on our support will draw to, besydes the dishonour.

Let not men, that eyther lack gode advise, or ar not for particular respects weill affected to the caus, move zow to subtract zour helping hand, by alleging things not apparent, for that they be possible. It is not, I grant, unpossible that we may receave conditiones of peace; but I see little likelyhode that our ennemyes will offer ws sik as will remove all mistrust, and giff we wald have accepted other, the mater had bene lang or now compounded. Let zow not be moved for that they terme ws rebelles, and diffames our just querell with the name of conspiracy against our soverayne. It is hir hyenes right we manetayne. It is the liberty off hir realm we study to pre-

serve, with the hazard of our lyves. We are not (God knaweth) come to this poyn特 for wantones, as men impatient of rewyl, or willing to schake of the zoke of government, but ar drawne to it by necessite, to avoyde the tyranny of strangeares, seaking to defraude ws of lawfull government. Giff we should suffer strangeares to plant themselfes peaceably in all the strenthes of our realme, fortify the seyportes, and maist important places, as ane entre to a plain conquest, now in the minoritie of our soverane, beyng furth of the realme, should we not be thought oncareful off the common weill, betrayares of our native countrey, and evill subjects to hir majeste? Quhat other opinion could sche have off ws? Might she not justly hereafter call ws to accompt, as negligent ministeres? Giff strangeares should be thus suffered to broke the chefe offices, beare the hail rewyl, alter and pervert our lawes and liberty at theyr plesour; myght not the people esteem our noblemen unworthy the place of counfalours? We mean na wyse to subtrak our obedience from our soverane, to defraud hir hyenes off her dew reverence, rents and revenues off hir crown. We seke nathing but that Scotland may remane, as of before, a fre realme, rewlit by hir hyenes and hir ministeres borne men of the sam; and that the succession of the crown may remane with the lawfull blode.

I wald not zeould not sa lyttile esteme the friendship of Scotland, that ze juged it not worthy to be embraced. It fall be na small commodite for zow to be delivered off the annoyance of so neir a nyghtbour, quhais inimitye may more trouble zow, then off any other nation albeit twyfs as puissant, not lyeng dry marche with zow. Besides that ze fall not nede to feare the invasion off any prince lackyng the commodite to invade zow by land, on our land. Consider quhat superfluous charge ze bestowe on the fortification and keping of Barwick; quhilk ze may reduce to a meane sowme, having ws to frendes. The realme of Ireland being of natour a gode and fertill countrey, by reason off the continewall unquietnes and lak of policey, ze knew to

be rather a burthen unto zow then great advantage ; and giff it were peaceable may be very commodious. For pacification quhayroff, it is not onknowne to zow quhat service we ar abill to do. Refuse not theyr commoditeys, besides mony ma quhen they ar offred. Quhilks albeit I study not to amplify and dilate, yet is na other countrey able to offer yow the lyke, and are the rather to be embraced, for that zour auncestors, by all meanes, maist ernestly suted our amity, and yet it was not theyr hap to come by it. The mater hes almaist carryed me beyond the boundes of a lattre, quharfor I will leave to trouble zow after I have geven you this note. I wald wis that ze, and they that ar learned, sould rede the twa former orations of Demosthenes, called Olynthiacæ, and considere quhat counsall that wyse oratour gave to the Athenians, his countrymen, in a lyke case; quhilk hes so great affinitie with this cause of ours, that every word therof myght be applyed to our purpos. There may ze learne of him quhat advise is to be followed, when zour nyghtbours hous is on fyre: Thus I bid zow heartily farewell. From Sant Andrews, the 20th of January, 1559.

N°. III. (Vol. I. p. 234.)

Part of a letter from Tho. Randolph to Sir William Cecil, from the camp before Leith, 29th of April 1560.

I WILL only, for this time, discharge myself of my promise to the earl of Huntly, who so defyreth to be recommended to you, "as one who with all his heart favoureth this cause, to the uttermost of his power. Half the words that come out of his mouth were able to persuade an unexperienced man to speak farther in his behalf, than I dare be bold to write. I leave it to your honour

* An Original in the Paper Office.

to judge of him, as of a man not unknown to you, and will myself always measure my thoughts, as he shall deserve to be spoken of. With much difficulty, and great persuasion, he hath subscribed with the rest of the lords to join with them in this action; whatsoever he can invent to the furtherance of this cause, he hath promised to do with solemn protestation, and many words; he trusted to adjoin many to this cause; and faith surely that no man shall lie were he taketh part. He hath this day subscribed a bond between England and this nation; he faith, that there was never thing that liked him better.

N^o. IV. (Vol. I. p. 248.)

Randolph to Cecil, 10th August 1560. From Edinburgh.

SINCE the 29th of July, at what time I wrote last to your honour, I have heard of nothing worth the reporting. At this present it may please you to know, that the most part of the nobles are here arrived, as your honour shall receive their names in writing. The earl of Huntly excuseth himself by an infirmity in his leg. His lieutenant for this time is the lord of Lidington, chosen speaker of the parliament, or harangue-maker as these men term it. The first day of their sitting in parliament will be on Thursday next. Hitherto as many as have been present of the lords have communed and devised of certain*heads then to be propounded, as, who shall be sent into France, who into England. It is much easier to find them than the other. It seemeth almost to be resolved upon that for England the Master of Maxwell, and laird of Lidington. For France, Pitarrow and the Justice Clerk. Also they have consulted whom they think meetest to name for the XXIV. of the which the XII. counsellors must be chosen.

* An Original in the Paper Office.

They intend very shortly to send away Dingwall the herald into France, with the names of those they shall chuse; and also to require the king and queen's consent unto this parliament. They have devised how to have the contract with England confirmed by authority of parliament; how also to have the articles of the agreement between them and their king and queen ratified. These things yet have only been had in communioation. For the confirmation of the contract with England I have no doubt; for that I hear many men very much like the same, as the Earl of Athol, the Earl of Sutherland, the L. Glamis, who dined yesterday with L. James. The Lord James requested me this present day to bring the contract unto him. I intend also, this day, to speak unto the L. Gray, in our L. Gray's name, for that he promised in my hearing to subscribe*, and then presently would have done it, if the contract could have been had. For the more assurance against all inconvenients, I would besides that, that I trust it shall be ratified in parliament, that every nobleman in Scotland had put his hand and set his seal, which may always remain as a notable monument, tho' the act of parliament be hereafter disannulled. If it might, therefore, stand with your advice, that the lords might be written unto, now that they are here present to that effect, or that I might receive from your Honr. some earnest charge to travel herein, I doubt not but it would serve to good purpose. If it might be also known with what substantial and effectious words or charge you desire to have it confirmed, I think no great difficulty would be made. The Earl Marshal has oft been moved to subscribe, he used mo delays then men judged he would. His son told me yesterday, that he would speak with me at leisure, so did also Drumlanrick; I know not to what purpose: I have caused L. James to be the earnest with the L. Marshal, for his authority's sake, when of late it was in consultation by what means it might be wrought, that the amity between these two realms might be perpetual; and among diverse men's opinion, one said that he knew of no other, but by making them both one, and that in hope of that mo things were done,

than would otherwise have ever been granted ; the earl of Argyll advised him earnestly to stick unto that, that he had promised . that it should pass his power and all the crafty knaves of his counsel (I am bold to use unto your H. his own words), to break so godly a purpose. This talk liked well the assisters , howsoever it pleased him to whom it was spoken unto. The barons , who in time past have been of the parliament , had yesterday a convention among themselves in the church , in very honest and quiet sort ; they thought it good to require to be restored unto their ancient liberty , to have voice in parliament. They presented that day a bill unto the lords to that effect , a copy whereof shall be sent as soon as it can be had. It was answered unto gently and taken in good part. It was referred unto the lords of the articles , when they are chosen to resolve thereupon.—

Here follows a long paragraph concerning the fortifications of Dunbar , &c. — This present morning , viz. the 9th , I understood , that the lords intended to be at the parliament , which caused me somewhat to stay my letter , to see what I could hear or learn worth the reporting unto your Honour. The lords , at ten of the clock , assembled themselves at the palace , where the duke lieth ; from whence they departed towards the Tolbooth , as they were in dignity. Each one being set in his seat , in such order as your H. shall receive them in this scroll. The crown , the mace , the sword , were laid in the queen's seat. Silence being commanded , the L. of Lidington began his oration. He excused his insufficiency to occupy that place. He made a brief discourse of things past , and of what necessity men were forced unto for the defence of their country , what remedy and support it pleased God to send them in the time of their necessity , how much he were bound heartily to acknowledge it , and to requite it. He took away the persuasion that was in many men's mind that lay back , that misdeemed other things to be meant than was attempted. He advised all estates to lay all particulars apart , and to bend themselves wholly to the true service of God and of their country. He willed them to remem-

ber in what state it had been of long time for lack of government, and exercise of justice. In the end he exhorted them to mutual amity and hearty friendship, and to live with one another as members all of one body.—He prayed God long to maintain this peace and amity with all princes, especially betwixt the realms of England and Scotland, in the fear of God, and so he ended. The clerk of the register immediately stood up, and asked them to what matter they would proceed: it was thought necessary, that the articles of the peace should be confirmed with the common consent, for that it was thought necessary to send them away with speed into France, and to receive the ratification of them as soon as might be. The articles being read, were immediately agreed unto: A day was appointed to have certain of the nobles subscribe unto them, and to put their seals, to be sent away by a herald, who shall also bring the ratification again with him. The barons, of whom I have above written, required an answer to their request, somewhat was said unto the contrary. The barons alledged for them custom and authority. It was in the end resolved, that there should be chosen six to join with the lords of the articles, and that if they, after good advisement, should find it right and necessary for the commonwealth, it should be ratified at this parliament for a perpetual law. The lords proceeded immediately hereupon, to the chusing of the lords of the articles. The order is, that the lords spiritual chuse the temporal, and the temporal the spiritual, and the burgesses their own. There were chosen as in this other paper I have written. This being done, the lords departed and accompanied the duke, all as far as the Bow (which is the gate going out of the high street), and many down into the palace where he lieth. The town all in armour, the trumpets sounding, and other music such as they have. Thus much I report unto your honour of that I did both hear and see. Other solemnities have not been used saving in times long past the lords have had parliament-robes, which are now with them wholly out of use.

The

The names of as many earls and lords spiritual and temporal as are assembled at this parliament.

The duke of Chatelherault.

Earls.	Lords.	Lords Spiritual.
Arran.	Erskine.	St. Andrews.
Argyle.	Ruthven.	Dunkell.
Athole.	Lindsay.	Athens.
Crawford.	Somervill.	The bishop of the Isles.
Cassis.	Cathcart.	Abbots and Priors I know not how many.
Marshall.	Hume.	
Morton.	Livingston.	
Glencairn.	Innermeth.	
Sutherland.	Boyd.	
Cathness.	Ogilvy.	
Rothes.	Fleming.	
Monteith.	Glamis.	
	Gray.	
	Ochiltree.	
	Gordon.	

The lords of the Articles.

Spiritual.	Temporal.	Barons elected to be of the Articles.
Athens.	The Duke.	Maxwell.
Isles.	Argyll.	Tillibardine.
Lord James.	Marshall.	Cunninghamhead.
Arbroath.	Athole.	Lochenvar.
Newbottle.	Morton.	Pittarow.
Lindoris.	Glencairn.	Lundy.
Cowpar.	Ruthven.	Ten Provosts of the chief towns, which also are of the Articles.
Kinross.	Erskine.	
Kilwinning.	Boyd.	
	Lindsay.	

So that with the Subprior of St. Andrews, the whole
is 36.

It were too long for me to rehearse particularly the disposition, and chiefly the affections of these men, that are at this time chosen lords of the articles. May it satisfy your Honour for this time to know that, by the common opinion of men, there was not a substantialler or more sufficient number of all sorts of men chosen in Scotland these many years, nor of whom men had greater hope of good to ensue. This present morning, viz. the 10th, the L. of Lidington made me privy unto your letter; he intendeth, as much as may be, to follow your advice. Some hard points there are. He himself is determined not to go into France. He allegeth many reasons, but speaketh least of that, that moveth him most, which is the example of the last, that went on a more grateful message than he shall carry, and stood on other terms with their prince than he doth, and yet your honour knoweth what the whole world judgeth.

Petition of the Lesser Barons to the Parliament,
held Aug. 1560*.

MY lords, unto your lordships, humbly means and shewes, we the barons and freeholders of this realm, your brethren in Christ, That whereas the caufes of true religion, and common well of this realm, are, in this present parliament, to be treated, ordered, and established, to the glory of God, and maintenance of the commonwealth; and we being the greatest number in proportion, where the said causes concern, and has been; and yet are ready to bear the greatest part of the charges thereuntil, as well in peace as in war, both with our bodies and with our goods; and seeing there is no place where we may do better service now than in general councils and parliaments, in giving our best advice and reason, vote and council for the furtherance thereof, for the maintenance of virtue, and punishment of vice, as use and custom had been of old

* Inclosed in Randolph's letter to Cecil, 15th Aug. 1560,

by ancient acts of parliament observed in this realm; and whereby we understand that we ought to be heard to reason and vote in all causes concerning the commonwealth, as well in councils as in parliaments; otherwise we think that whatsoever ordinances and statutes be made concerning us and our estate, we not being required and suffered to reason and vote at the making thereof, that the same should not oblige us to stand thereto. Therefore it will please your lordships to take consideration thereof, and of the charge born, and to be born by us, since we are willing to serve truly to the common well of this realm, after our estate, that ye will, in this present parliament, and all counsells, where the common well of the realm is to be treated, take our advice, counsell and vote, so that, without the same, your lordships would suffer nothing to be passed and concluded in parliament or councils aforesaid; and that all acts of parliament made, in times past, concerning us for our place and estate, and in our favor, be at this present parliament confirmed, approved and ratified; and act of parliament made thereupon. And your lordships answer humbly beseeches.

Of the success of this Petition, the following account is given by Randolph; Lett. to Cecil, 19 Aug. 1560. The matters concluded and past by common consent on Saturday last, in such solemn sort as the first day that they assembled, are these. First, that the barons according to an old act of parliament, made in the time of James I. in the year of God 1427, shall have free voice in parliament; this act passed without any contradiction.

N^o. V. (Vol. I. p. 259.)

A letter of Thomas Randolph, the English resident, to the right worshipful Sir William Cecil, knt. principal secretary to the queen's majesty¹.

I HAVE received your honour's letters of the first of this month, written at Oyses in Essex; and also a letter unto the lord James, from his kinsman St. Come out of France, in this they agree both that the queen of Scotland is nothing changed of her purpose in home coming. I assure your honour that will be a stout adventure for a sick crased woman, that may be doubted as well what may happen unto her upon the seas, as also how heartily she may be received when she cometh to land of a great number, who are utterly persuaded that she intendeth their utter ruin, come when she will; the preparance is very small whensoever that she arrive, scarcely any man can be persuaded that she hath any such thought in her head. I have shwon your honour's letters unto the lord James, lord Morton, lord Lidington; they wish, as your honour doth, that she might be stayed yet for a space, and if it were not for their obedience sake, some of them care not tho' they never saw her face. They travel what they can to prevent the wicked devices of these mischievous purposes of her ministers, but I fear that that will always be found that filij hujus seculi, they do what they can to stand with the religion, and to maintain amity with their neighbours; they have also need to look unto themselves, for their hazard is great, and that they see there is no remedy nor safety for themselves, but to repose themselves upon the queen's majesty, our sovereign's favours and support. Friends abroad they have none, nor many in whom they may trust at home. There are in mind shortly to try what

¹ 9 Aug. 1561. Cott. Lib. B. 10. fo. 32.

they may be assured at of the queen's majesty, and what they may assuredly perform of that they intend to offer for their parties. This the queen of Scotland above all other things doubteth; this she seeketh by all means to prevent; and hath caused St. Come, in her name, earnestly to write to charge him that no such things be attempted before her coming home; for that it is said that they too already arrived here out of England for the purpose, what semblant somever the noblemen do make, that they are grieved with their queen's refusal, that cometh far from their hearts. They intend to expostulate with me hereupon. I have my answer ready enough for them. If she thrust all Englishmen out of this country, I doubt not but there will be some of her own that will bear us some kindness. Of me she shall be quit, so soon as it pleaseth the queen's majesty my mistress no longer to use my service in this place. By such talk, as I have of late had with the lord James and lord of Lidington, I perceive that they are of mind that immediately of the next convention, I shall repair towards you with their determinations, and resolutions, in all purposes, wherein your honour's advice is earnestly required, and shortly looked for. Whatsoever I desire myself, I know my will ought to be subject unto the queen my sovereign's pleasure, but to content myself, would God I were so happy as to serve her majesty in as mean a state as ever poor gentleman did, to be quit of this place; not that I do in my heart wax weary of her majesty's service, but because my time and years require some place of more repose and quietness than I find in this country. I doubt also my insufficiency when other troubles in this country arise, or ought shall be required of me to the advancement of her majesty's service, that either my will is not able to compass, or my credit sufficient to work to that effect, as perchance shall be looked for at my hands. As your honour hath been a means of my continuance in this room, so I trust that I shall find that continual favour at your hands, that so soon as it shall stand with the queen's majesty's pleasure, I may give this

place unto some far worthier than I am myself, and in the mean season, have my course directed by your good advice how I may by my contrivance do some such service, as may be agreeable to her majesty's will and pleasure.

These few words, I am bold to write unto your honour of myself. For the rest, where that is wished that the lords will stoutly continue yet for one month, I assure your honour that there is yet nothing omitted of their old and accustomed manner of doing, and seeing that they have brought that unto this point, and should now prevail, they were unworthy of their lives.

I find not that they are purposed so to leave the matter. I doubt more her money than I do her fair words; and yet can I not conceive what great things can be wrought with forty thousand crowns, and treasure of her own here I know there is no sure or ready means to get it. The lord of Lidington leaveth nothing at this time unwritten, that he thinketh may be able to satisfy your desire, in knowledge of the present state of things here. Whatsoever cometh of that, he findeth it ever best, that she come not; but if she do come, to let her know, at the first, what she shall find, which is due obedience, and willing service, if she embrace Christ, and desire to live in peace with her neighbours. By such letters as you have last received, your honour somewhat understandeth of Mr. Knox himself, and also of others, what is determined, he himself to abide the uttermost, and other never to leave him until God have taken his life, and thus together with what comfort somever it will please you to give him by your letters, that the queen's majesty doth not utterly condemn him, or at the least in that point, that he is so sore charged with by his own queen, that her majesty will not allow her doing. I doubt not but it will be a great comfort unto him, and will content many others; his daily prayer is for the maintenance of unity with England, and that God will never suffer men to be so ungrate, as by any persuasion to run headlong unto the destruction of them, that have saved their lives, and restored their

country to liberty. I leave farther, at this time, to trouble your honour, desiring God to send such an amity between these two realms that God may be glorified to them of this world.—At Edinburgh the 9th of August 1561.

N^o. VI. (Vol. I. p. 269.)

A letter of Queen Elizabeth to Queen Mary⁷.

To the right excellent, right high and mighty princessse,
our right dear and well-beloved sister and cousin the
queen of Scotland.

RI GHT excellent, right high, and mighty princessse,
our right dear and right well-beloved sister and cousin, we
greet you well. The Lord of St. Cosme brought to us
your letters, dated the 8th of this present at Abbeville,
whereby ye signify, that although by the answer brought
to you by Monsieur Doyzell, ye might have had occasion
to have entered into some doubt of our amity, yet after
certain purposes passed betwixt you and our ambassador,
you would assure us of your good meaning to live with
us in amity, and for your purpose therein ye require us
to give credit to the said St. Cosme. We have there-
unto thought good to answer as followeth. The same
St. Cosme hath made like declaration unto us on your part,
for your excuse in not ratifying the treaty, as yourself
made to our ambassador, and we have briefly answered to
every the same points, as he can shew you: and if he
shall not so do, yet least in the mean season you might be
induced to think that your reasons has satisfied us somer-
ally we assure you, that to our requests your answer cannot

⁷ 16th of Aug. 1561. Paper-Office, from a Copy. This is the complete paper of which that industrious and impartial collector, Bishop Keith, has published a fragment, from what he calls his shattered MS. 145, note (a) 181.

be reputed for a satisfaction. For we require no benefit of you, but that you will perform your promise whereunto you are bound by your seal and your hand, for the refusal whereof we see no reason alledged can serve. Neither covet we any thing, but that which is in your own power as queen of Scotland, that which yourself in words and speech doth confess, that which your late husband's our good brother's ambassadors and you concluded, that which your own nobility and people were made privy unto, that which indeed made peace and quietness betwixt us, yea that without which no perfect amity can continue betwixt us, as if it be indifferently weighed, we doubt not but ye will perceive, allow and accomplish. Nevertheless, perceiving by the report of the bringer, that you mean furthwith upon your coming home, to follow herein the advice of your council in Scotland, we are content to suspend our conceipt of all unkindness, and do assure you that we be fully resolved, upon this being performed, to unite a sure band of amity, and to live in neighbourhood with you as quietly, friendly, yea as assuredly in the knot of friendship, as we be in the knot of nature and blood. And herein we be so earnestly determined, that the world should see if the contrary should follow (which God forbid), the very occasion to be in you and not in us; as the story witnesseth the like of the king your father, our uncle, with whom our father sought to have knit a perpetual bond by inviting to come in this realm to York, of which matter we know there remain with us, and we think with you, sundry witnesses of our father's earnest good meaning, and of the error whereunto divers evil counsellors induced your father; or finally where it seemeth that report had been made unto you, that we had sent our admiral to the seas with our navy to impeache your passage, both your servants do well understand how false that is, knowing for a truth that we have not any more than two or three small barks upon the seas, to apprehend certain pirates, being thereto entreated, and almost compelled, by the earnest complaint of the ambassador of

our good brother the king of Spain, made of certain Scotchmen haunting our seas as pirates, under pretence of letters of marque, of which matter also we earnestly require you, at your coming to your realme, to have some good consideration, and the rather for respect that ought to be betwixt your realme and the countries of us, of France, of Spain, and of the house of Burgundy. And so, right excellent, right high and mighty princel, we recommend us to you with most earnest request, not to neglect these our friendly and sisterly offers of friendship, which, before God, we mean and intend to accomplish. Given under our signet at Heyningham the 16th of August, in the third year of our reign.

N^o. VII. (Vol. I. p. 304.)

A letter of Randolph to the right honorable Sir William Cecil, knight, principal secretary to the queen's majesty*.

OF late, until the arrival of monsieur Le Croc, I had nothing worth the writing unto your honur. — Before his coming we had so little to think upon, that we did nothing but pass our time in feasts, banqueting, masking, and running at the ring, and such like. He brought with him such a number of letters, and such abundance of news, that, for the space of three days, we gave ourselves to nothing else but to reading of writings, and hearing of tales, many so truly reported, that they might be compared to any that ever Luciane did write de veris narrationibus. Among all his tidings, for the most assured, I send this unto your honour as an undoubted truth, which is, that the cardinal of Lorraine, at his being with the emperor, moved a marriage between his youngest son, the duke of Astruche,

* 15th of May, 1563. Paper-Office, from the Original.

and this queen; wherein he hath so far travelled, that it hath already come unto this point, that if she find it good, the said duke will out of hand fend hither his embassador, and farther proceed to the consummation hereof, with as convenient speed as may be; and to the intent her mind may be the better known, Le Croc is sent unto her with this message from the cardinal, who hath promised unto the emperor, to have word again before the end of May; and for this cause Le Croc is ready for his departure, and his letters writing both day and night. This queen being before advertized of his towārdnes, by many means hath sought far off, to know my lord of Murray's mind herein, but would never so plainly deal with him, that he could learn what her meaning is, or how she is bent. She useth no man's council, but only this man's that last arrived, and assuredly until the L. of Lidington's return, she will do what she can to keep that secret; and because resolution in his absence cannot be taken, she will, for this time, return Le Croc with request, to have longer time to devize; and after, with the most speed she can, she fully proposeth to advertize him, I mean, her uncle the cardinal, of her mind. Of this matter the L. of Lidington is made privy. I know not whether by some intelligence that he had before his departure, or since his arrival in France, divers letters have passed between her grace and him, whereof as much as it imported not greatly the knowledge of, was communicated to some, as much as was written in sypher, is kept unto themselves. Whether also the L. of Lidington hath had conference with the Spanish ambassador in England of this matter, or any like, I leave it unto your honour's good means, to get true knowledge thereof. Guesses or surmizes in so grave matters, I would be loath to write for verities. This also your honour may take for truth, that the emperor hath offered with his son, for this queen's dower, the county of Tyroll, which is said to be worth 30,000 franks by year. Of this matter also the rhingrave wrote a letter unto this queen, out of France not long since. This is all that presently I can write unto your honour.

hereof; as I can come by farther knowledge, your honour shall be informed.

I have received your honour's writings by the Scottish man that last came into these parts; he brought also letters unto this queen from the L. of Lidington; their date was old, and contained only the news of France. I perceive divers ways, that Newhaven is forre closed, but I am not so ignorant of their nature, but that I know they will say as much as they dare to, I will not say as the proverb doth, ' canis timidus fortius latrat.' From hence I do assure them, what means somever they make, or how pitiful somever their mone be, they are like to receive but small comfort for all their long allie. We stand daily in doubt what friendship we shall need ourself, except we put better order unto our misruled papists, than yet we do, or know how to bring to pass that we may be void of their conuer.

To-morrow, the 1st h ~~th~~ this instant, the queen departeth of this town, towards Edinburgh. If my hap be good, you shall thoroughly hear some merry tidings of the Bp. of St. Andrews; upon Wednesday next he shall be arraigned, and five other priests, for their massing at Easter last. Thus most humbly I take my leave; at St. Andrews the 15th of May, 1563.

N^o. VIII. (Vol. I. p. 313.)

Letter of Randolph to the right honourable Sir William Cecil, knight, principal secretary to the queen's majesty^{*}.

MAY it please your honour, the 7th of this instant, Rowlet, this queen's secretary, arrived here; he reporteth very honestly of his good usage, he brought with him

* 10th of April 1563. Paper-Office, from the Original in his own hand.

many letters unto the queen that came out of France , full of lamentation and sorrow. She received from the queen mother two letters , the one contained only the rehearsal of her griefs , the other signify the state of France as then it was , as in what sort things were accorded , and what farther was intended for the appeasing of the discords there , not mistrusting but that if reasoun could not be had at the queen of England's hands , but that the realm of France should find her ready and willing to support and defend the right thereof , as by friendship and old alliance between the two realms she is bound.

How well these words do agree with her doings , your honour can well consider , and by her writings in this sort unto this queen , (which I assure your honour is true) you may assuredly know , that nothing shall be left undone of her part , that may move debate or controversie between this queen and our sovereign.

It was much mused at by the queen herself , how this new kindness came about , that at this time she received two long letters written all with her own hand , saying , all the time since her return she never received half so many lines , as were in one of the letters , which I can myself testify by the queen's own saying , and other good assurance , where hitherto I have not been deceived. I can also farther assure your honour , that this queen hath fayed that she knoweth now , that the friendship of the queen's majesty my sovereign may stand her more in stead , than that of her good mother in France , and as she is desirous of them both , so will she not lose the one for the other. I may also farther assure your honour , that whatsoever the occasion is , this queen hath somewhat in her heart that will burst out in time , which will manifest that some unkindness hath passed between them , that will not be easy forgotten. In talk sometimes with myself , she saith that the queen mother might have used the matter otherwise than she hath done , and doth much doubt what shall be the success of her great desire to govern alone , in all things to have her will. Seeing then that presently they

stand in such terms one with the other, I tho't it better to confirm her in that mind (this queen I mean), than to speak any word that might cause her to conceive better of the other. And yet I am assured she shall receive as friendly letters, and as many good words from this queen, as the other did write unto her. Whether the queen mother will speak any thing unto the L. of Lidington of that purpose she did write unto this queen of, I know not; but if she do, I think it hard if your honour can get no favour thereof, at his return, or I perchance by some means here. It may, perchance, be written only by that queen, to try what answer this queen will give, or understand what mind she beareth unto the queen's majesty our sovereign. The queen knoweth now that the earl Bothwell is sent for to London. She caused a gentleman of hers to enquire the cause; I answered that I knew none other, but that his takers were in controversy who took him, and that it should be judged there. I know that she thinketh much that he is not sent into Scotland. It is yet greatly doubted that if he were here, he would be reserved for an evil instrument. If the Lord of Lidington have not been plain with your honour herein, he is in the wrong to those who are his friends here, but most of all to himself. There comes a vulture in this realm, if ever that man come again into credit.

N^o. IX. (Vol. I. p. 322.)

The oration made by William Maitland of Lethington, younger secretary for the time, in the parliament holden by our sovereign the king's mother, queen of this realme for the time, the time of the restitution of Umquile Matthew Earl of Lenox.

MY Lords, and others here convened. Albeit, be that it has pleased her Majesty most graciously to utter unto you, by her own mouth, ye may have sufficiently conceived the cause of this your present assembly; yet having her majesty's commandment to supply my Lord Chancellor's place, being presently as ye see deceased, I am willed to express the same somewhat more at large.

Notour it is, how in her highnes's minority, a process of forfaultour was decreed against my Lord of Lenox, for certain offences alledged committed by him, specified in the dome and censemement of Parliament given thereupon; by reason whereof he has this long time been exiled, and absent forth of his native country; how grievous the same has been unto him, it has well appeared by divers his suites, sundry ways brought unto her Majesty's knowledge, not only containing most humble and due subinission, but always bearing witness of his good devotion to her Majesty, his natural prince, and earnest affection he had to her Highness most humble service. if it should please her Majesty of her clemency to make him able to enjoy the benefit of a subject; many respects might have moved her Highness favourably to incline to his request, as the anciency of his house, and the surname he bears, the honour he has to appertain to her Majesty by affinity, by reason of my lady Margaret her Highnes's aunt, and divers other his good considerations, as also the effectuous request

of her good sister the Queen's Majesty of England, whose earnest commendation was not of least moment, besides that of her own natural, her Majesty has a certain inclination to pity the decay of noble houses, and as we heard, by her own report, has a great deal more pleasure to be the instrument of the uphold, maintenance, and advancement of the ancient blood, than to have matter ministred of the decay or overthrow of any good race. Upon this occasion, her Majesty the more tenderly looked upon his request, and her good sister the Queen of England's favourable letter, written for recommendation of his cause, in consideration whereof not only has she granted unto him her letter of restitution, by way of grace, but also licensed him to pursue, by way of reduction, the remedies provided by the law for such as think themselves grieved by any judgment, unorderly led, and to have the process reversed; for examination whereof, it has pleased her Majesty presently to assemble you the three estates of this her realme, by whose advice, deliberation, and decision at her Majesty's mind, to proceed forward upon his complaints, as the merits of the cause, laws of the realme, and practice observed in such cases, will bear out. The sum of all your proceedings at this time, being by that we have heard, thus as it were pointed out, I might here end, if the matter we have in hand gave me not occasion to say a few more words, not far different from the same subject, wherein I would extend the circumstances more largely. If I feared not to offend her highness, whose presence and modest nature abhors long speaking and adulation, and so will compel me to speak such things, as may seem to tend to any good and perfect point, and lest it should be compted to me, as that I were oblivious, if I should omit to put you in remembrance, in what part we may accept this, and the like demonstrations of her gentill nature; whose gracious behaviour towards all her subjects, in general, may serve for a good proof of that felicity, we may look for under her happy government, so long as it shall please God to grant her unto us; for a good harmony to be had in the

common weill, the offices between the prince and the subjects must be reciproque; as by her Majesty's prudence we enjoy this present peace with all foreign nations, and quietness among yourselves, in such sort, that I think justly it may be affirmed Scotland, in no man's age, that presently lives, was in greater tranquillity; so is it the duty of all us her loving subjects to acknowledge the same as a most high benefit, proceeding from the good government of her Majesty, declaring ourselves thankful for the same, and rendering to her Majesty such due obedience, as a just prince may look for at the hands of faithful and obedient subjects. I mean no forced nor unwilling obedience, which I know her nature does detest, but such as proceeds from the contemplation of her modest kind of regiment, will for love and duty sake produce the fruits thereof. A good proof have we all in general had of her Majesty's benignity these three years, that she has lived in the government over you, and many of you have largely tasted of her large liberality and frank dealing; on the other part her highness has had large appearance of your dutiful obedience, so it becomes you to continue, as we have begun, in consideration of the many notable examples of her clemency above others her good qualities, and to abhor and detest all false bruites and rumours, which are the most pestilent evils that can be in any common weill, and the sowers and inventors thereof. Then may we be well assured to have of her an most gracious pricess, and she most faithful and loving subjects; and so both the head and the members, being encouraged to maintain the harmony and accord of the politic bodies, whereof I made mention before, as the glory thereof shall partly appertain to her Majesty, so shall no small praise and unspeakable commodity redound therethrough to you all universally her subjects.

N^o. X. (Vol. I. p. 333.)

The perils and troubles that may presently ensue, and in time to come follow, to the Queen's majesty of England, and state of this realm, upon the marriage of the Queen of Scots to the Lord Darnley.

FIRST, the minds of such as be affected to the Queen of Scots, either for herself or for the opinion of her pretence to this crown, or for the desire to have change of the forme of religion in this realm, or for the discontentment they have of the Queen's majesty, or her succession, or of the succession of any other beside the Queen of Scots, shall be, by this marriage, erected, comforted, and induced to devise and labour how to bring their desires to pass; and to make some estimate what persons those are, to the intent the quantity of the danger may be weighed; the same may be compassed in those sorts either within the realm or without.

The first are such as are specially devoted to the Queen of Scots, or to the Lord Darnley, by bond of blood and alliance; as first, all the house of Lorrain and Guise for her part, and the Earl of Lenox and his wife, all such in Scotland as be of their blood, and have received displeasures by the Duke of Chatelherault and the Hamiltons. The second are all manner of persons, both in this realme and other countries, that are devoted to the authority of Rome, and mislike of the religion now received; and in these two sorts are the substance of them comprehended, that shall take comfort in this marriage.

Next therefore to be considered what perils and troubles these kind of men shall intend to this realm.

First, the general scope and mark of all their desires is, and always shall be, to bring the Queen of Scots to

have the royal crown of this realm ; and therefore , though the devisers may vary amongst themselves for the compassing hereof , according to the accidents of the times , and according to the impediments which they shall find by means of the Queen's majesty's actions and governnents , yet all their purposes , drifts , devises , and practices , shall wholly and only tend to make the Queen of Scotts Queen of this realm , and to deprive our sovereign lady thereof ; and in their proceedings , there are two manners to be considered , whereof the one is far worse than the other ; the one is intended by them , that either from malicious blindness in religion , or for natural affection to the Queen of Scotts , or the Lord Darnley , do persuade themselves that the said Queen of Scotts hath presently more right to the crown than our sovereign lady the Queen , of which sort be all their kindred on both sides , and all such as are devoted to popery , either in England , Scotland , Ireland , or elsewhere : the other is meant by them , which , with less malice are perswaded that the Queen of Scotts hath only right to be the next heir to succeed the Queen's majesty and her issue , of which sort few are without the realm , but here within , and yet of them , not so many as are of the contrary , and from these two sorts shall the peril , devises and practices proceed . From the first , which imagine the Queen of Scotts to have perpetually right are to be looked for these perils . First , is it to be doubted the devil will infect some of them to imagine the hurt of the life of our dear sovereign lady , by such means as the devil shall suggest to them , although it is to be assuredly hoped , that Almighty God will , as he hath hitherto , graciously protect and preserve her from such dangers ? Secondly , there will be attempted , by persuasions , by bruits , by rumours , and such like , to alienate the minds of good subjects from the Queen's majesty , and to conciliate them to the Queen of Scotts , and on this behalf the frontiers and the north will be much solicited and laboured . Thirdly , there will be attempted causes of some tumults and rebellions , especially in the north towards Scotland , so as

thereupon may follow some open enterprise set by violence. Fourthly, there will be, by the said Queen's council and friends, a new league made with France, or Spain, that shall be offensive to this realm, and a furtherance to their title. And as it is also very likely, that they will set a foot as many practices as they can, both upon the frontiers and in Ireland, to occasion the Queen's majesty to increase and continue her charge thereby, to retain her from being mighty or potent, and for the attempting of all these things, many devises will be imagined, from time to time, and no negligence will therein appear.

From the second sort, which mean no other favour to the Queen of Scotts, but that she should succeed in title to the Queen's majesty, is not much to be feared, but that they will content themselves to see not only the Queen's majesty not to marry, and so to impeach it, but to hope, that the Queen of Scotts shall have issue, which they will think to be more pleasurable to all men, because thereby the crowns of England and Scotland shall be united in one, and thereby the occasion of war shall cease; with which persuasion many people may be seduced, and abused to incline themselves to the part of the Queen of Scotts.

The remedies against these perils.

A Duplicat.

A summary of the consultation and advice given by the lords and others of the privy council, Collected out of the sundry and several speeches of the said counsellors^{**}.

Lord Keeper,	Mr. Comptroller,
Lord Treasurer,	Mr. Vice-Chamberlain;
Earls of Derby,	Mr. Secretary,
Bedford,	Cave,
Leicester,	Peter,
Lord Admiral,	Mason.
Lord Chamberlain,	—

Questions propounded were these two.

1. FIRST, what perils might ensue to the Queen's majesty, or this realm, of the marriage betwixt the Queen of Scotts, and the Lord Darnley.
2. What were meet to be done, to avoid or remedy the same.

To the First.

The perils being sundry, and very many, were reduced by some counsellors into only one.

1. First, that by this marriage, the Queen of Scotts, (being not married) a great number in this realm not of the worst subjects might be alienated in their minds from their natural duties to her majesty, to depend upon the success of this marriage of Scotland, as a mean to establish the succession of both the crowns in the issue of the same marriage, and so favour all devises and practices, that should tend to the advancement of the Queen of Scotts.

2. Secondly, that considering the chief foundation of them, which furthered the marriage of the Lord Darnley,

** 4th of June 1565. Cott. Lib. Cal. B. 10. fol. 296.

was laid upon the trust of such as were papists, as the only means left to restore the religion of Rome, it was plainly to be seen, that both in this realm and Scotland, the papists would most favour, maintain, and fortify this marriage of the Lord Darnley, and would, for furtherance of faction in religion, devise all means and practices that could be within this realm, to disturb the estate of the Queen's majesty, and the peace of the realm, and consequently to atchieve their purposes by force, rather than fail. By some other, these perils having indeed many branches, were reduced, though somewhat otherwise, into two sorts, and these were in nature such as they could not be easily severed the one from the other, but were knit and lincked together, naturally for maintaining the one with the other. The first of these sort of perils was that, by this marriage with the Lord Darnley, there was a plain intention to further the pretended title of the Queen of Scotts, not only to succeed the Queen's majesty, as in her best amity she had professed, but that to occupy the Queen's estate, as when she was in power, she did manifestly declare.

The second was, that hereby the Romish religion should be erected, and increased daily in this realm, and these two were thus knit together, that the furtherance and maintenance of the title staid, in furthering of the religion of Rome within this realm; and in like manner the furtherance of the same religion stood by the title, for otherwise the title had no foundation.

Proofs of the first.) And to prove that the intention to advance the title to disturb the Queen's majesty, must needs ensue, was considered that always the intention and will of any person is most manifest, when their power is greatest, and contrary when power is small, then the intention and will of every person is covered and less seen. So as when the Queen of Scotts power was greatest, by her marriage with the dauphin of France, being afterwards French king, it manifestly appeared of what mind she, and all her friends were, using then manifestly all the means that could be devised to impeach and dispossess the Queen's majesty, first

by writing and publishing herself in all countries Queen of England ; by granting charters , patents , and commissions , with that style , and with the arms of England , both the French and Scotts , which charters remain still undefaced ; and to prosecute it with effect , it is known what preparations of war were made , and sent into Scotland ; and what other forces were assembled in foreign countries ; yea , in what manner a shameful peace was made by the French with king Philip to employ all the forces of France to pursue all the matters by force which by God's providence , and the Queen's majesty contrary power , were repelled ; and afterwards , by her husband's death , her fortune and power being changed , the intention began to hide itself , and although by the Scottish Queen's commissaries an accord was made at Edenborough , to reform all those titles , and claims , and pretences , yet to this day , by delays and cavillations , the ratification of that treaty hath been deferred . And so now , as soon as she shall feel her power , she will set the same again abroad , and by considering of such errors as were committed in the first ; her friends and allies will amend the same , and proceed substantially to her purpose . By some it was thought plainly , that the peril was greater of this marriage with the lord Darnley , being a subject of this realm , than with the mightiest prince abroad ; for by this , he being of this realm , and having for the cause of religion , and other respects , made a party here , should increase by force with diminution of the power of the realm ; in that whatsoever power he could make by the faction of the papist , and other discontented persons here , should be as it were deducted out of the power of this realm ; and by the marriage of a stranger , she could not be assured of any part here ; so as by this marriage she should have a portion of her own power to serve her turn , and a small portion of adversaries at home in our own bowels , always seem more dangerous than treble the like abroad ; whereof the examples are in our own stories many , that foreign powers never prevailed in this realm , but with the help of some at home . It was also remem-

bered, that seeing now before this attempt of marriage, it is found, and manifestly seen, that in every corner of the realm, the faction that most favoureth the Scottish title, is grown stout and bold, yea seen manifestly in this court, both in hall and chamber, it could not be but (except good heed were speedily given to it) by this marriage, and by the practice of the fautors thereof, the same faction would shortly encrease, and grow so great and dangerous, as the redress thereof would be almost desperate. And to this purpose it was remenibered, how of late in perusing of the substance of the justices of the peace, in all the countries of the realm, scantily a third was found fully assured to be trusted in the matter of religion, upon which only stiring the Queen of Scotts title doth hang, and some doubt might be, that the friends of the Earl of Lenox, and his had more knowledge hereof than was thought, and thereby made avant now in Scotland, and their party was so great in England as the Queen's majesty durst not attempt to contrary his marriage. And in this fort, was the sum of the perils declared, being notwithstanding more largely and plainly set out, and made so apparent by many sure arguments, as no one of the council could deny them to be but many, and very dangerous.

Second Question.

THE question of this consultation was, what were meet to be done to avoid these perils, or else to divert the force thereof from hurting the realm; wherein there were a great number of particular devises propounded, and yet the more part of them was reduced by some into three heads.

1. The first thought necessary by all persons, as the only thing of the most monsent and efficacy, to remedy all these perils, and many others, and such as without it, no other remedy could be found sufficient, and that was to obtain that the Queen's majesty would marry, and make therein no long delay.

2. The second was to advance, establish, and fortify indeed the profession of religion, both in Scotland and in England, and to diminish, weaken, and feeble the contrary.

3. The third was, to proceed on fundry things, either to disappoint and break this intended marriage, or, at the least, thereby to procure the same not to be so hurtful to this realm, as otherwise it will be.

The first of these three hath no particular rights in it, but an earnest and unfeigned desire and suite, with all humblenes, by prayer to Almighty God, and advice and council to the Queen's majesty, that she would defer no more time from marriage, whereby the good subjects of the realm might stay their hearts, to depend upon her majesty, and the issue of her body, without which no surety can be devised to ascertain any person of continuance of their families or posterities, to enjoy that which otherwise should come to them.

Second, concerning the matters of religion, wherein both truth and policy were joined together, had these particulars.

First, whereas of late the adversaries of religion, in the realm, have taken occasion to comfort and increase their faction, both in England, Scotland, and abroad, with a rumour and expectation that religion shall be shortly changed in this realm, by means that the bishops, by the Queen's majesty commandment, have of late dealt streightly with some persons of good religion, because they had forborn, to wear certain apparel, and such like things; being more of form and accidents, than of any substance, for that it is well known that her majesty had no meaning to comfort the adversaries, but only to maintain an uniformity as well in things external, as in the substance, nor yet hath any intention to make any change of the religion, as it is established by laws. It was thought by all men very necessary, for the suppressing of the pride and arrogancy of the adversaries, indirectly hereby to notify, by her special letters to the two archbishops, that her

former commandment was only to retain an uniformity, and not to give any occasion to any person to misjudge of her majesty, in the change of any part of religion, but that she did determine firmly to maintain the form of her religion, as it was established, and to punish such as did therein violate her laws. And in these points, some also wished that it might please her archbishops, that if they should see that the adversaries continued in taking occasion to fortify their faction, that in that case they should use a moderation therein, until the next parliament, at which time, some good, uniform and decent order might be devised, and established, for such ceremonies, so as both uniformity and gravity might be retained amongst the clergy.

The second means was, that the quondam bishops, and others, which had refused to acknowledge the Queen's majesty's power over them, according to the law, and were of late dispersed in the plague time to sundry places abroad, where it is known they cease not to advance their faction, might be returned to the tower, or some other prison, where they might not have such liberty to seduce and inveigle the Queen's majesty's subjects, as they daily do.

The third means was, that where the bishops do complain that they dare not execute the ecclesiastical laws, to the furtherance of religion, for fear of the premunire wherewith the judges and lawyers of the realm, being not best affected in religion, do threaten them, and in many cases let not to pinch and deface them, that upon such cases opened, some convenient authority might be given them, from the Queen's majesty, to continue during her pleasure.

The fourth was, that there were daily lewd, injudicious and unlawful books in English brought from beyond seas, and are boldly received, read, and kept, and especially in the North, seducing of great numbers of good subjects, the like boldness whereof was never suffered in any other princess's time, that some strait order might be given to

avoid the same, and that it might be considered by the judges, what manner of crime the same is, to maintain such books, made directly against her majesty's authority, and maintaining a foreign power, contrary to the laws of the realm.

The fifth was, that where a great number of monks, fryars, and such lewd persons are fled out of Scotland, and do serve in England, especially in the North, as curates of churches, and all such of them as are not found honest and conformable, may be banished out of the realm, for that it appeareth they do sow sedition in the realm, in many places, and now will increase their doings.

The sixth, where sundry having ecclesiastical livings, are on the other side the sea, and from thence maintain sedition in the realm; that livings may be better bestowed, to the commodity of the realm, upon good subjects.

The seventh is, that the judges of the realm, having no small authority in this realm in governance of all property of the realm, might be sworn to the Queen's majesty, according to the laws of the realm, and so thereby they should for conscience sake maintain the Queen's majesty's authority.

The particulars of the third intention, to break and avoid this marriage, or to divert the perils.

First to break this marriage, considering nothing can likely do it, but force, or fear of force, it is thought by some that these means following might occasion the breach of the marriage.

1. That the earl of Bedford repair to his charge.
2. That the works at Berwick be more advanced.
3. That the garrison be there increased.
4. That all the wardens put their frontiers in order with speed, to be ready at an hour's warning.
5. That some noble person, as the duke of Norfolk, or the earl of Salop, or such other, be sent into Yorkshire, to be lieutenant-general in the North.
6. That preparations be made of a power, to be in readiness to serve, either at Berwick, or to invade Scotland.

7. That presently lady Lenox be committed to some place, where she may be kept from giving or receiving of intelligence.

9. That the earl of Lenox and his son may be sent for, and required to be sent home by the Queen of Scotts, according to the treaty; and if they shall not come, then to denounce to the Queen of Scotts the breach of the treaty, and thereupon to enter with hostility; by which proceeding, hope is conceived (so the same be done in deeds and not in shews) that the marriage will be avoided, or at the least that it may be qualified from many perils; and whatsoever is to be done herein, is to be executed with speed, whilst she has a party in Scotland that favoureth not the marriage, and before any league made by the Queen of Scotts with France or Spain.

Some other allows well of all these proceedings, saving of proceeding to hostility, but all do agree in the rest, and also to these particularities following.

10. That the earl's lands upon his refusal, or his son's refusing, should be seized, and bestowed in gift or custody, as shall please her majesty, upon good subjects.

11. That all manifest favourers of the earl, in the North, or elsewhere, be inquired for, and that they be, by sundry means, well looked to.

12. That inquiry be made in the North, who have the stewardship of the Queen's majesty's lands there, and that no person, deserving mistrust, be suffered to have governance or rule of any of her subjects or lands in the North, but only to retain their fees, and more trusty persons have rule of the same people's lands.

13. That all frequent passages into this realm, to and from Scotland, be restrained to all Scottish men, saving such as have safe-conduct, or be especially recommended from Mr. Randolph as favourers of the realm.

14. That some intelligence be used with such in Scotland, as favour not the marriage, and they comforted from time to time.

15. That the Queen's majesty's household, chamber, and

pensioners, be better seen unto, to avoid broad and uncomely speech used by sundry against the state of the realm.

16. That the younger son of the earl of Lenox, Mr. Charles, be remembered to some place where he may be forth coming.

17. That considering the faction and title of the Queen of Scots, hath now of long time received great favour, and continued, by the Queen's majesty's favour herein to the Queen of Scots and her ministers, and the lady Catharine, whom the said Queen of Scots accompted as a competitor unto her in pretence of title, it may please the Queen's majesty, by some exterior act, to shew some remission of her displeasure to the lady and to the earl of Hartford, that the Queen of Scots thereby may find some change, and her friends put in doubt of further proceeding therein.

18. That whosoever shall be lieutenant in the North, Sir Ralph Sadler may accompany him.

19. That with speed the realm of Ireland may be committed to a new governor.

20. Finally, that these advises being considered by her majesty, it may please to choose which of them she liketh, and to put them in execution in deeds, and not to pass them over in consultations and speeches.

For it is to be assured, that her adversaries will use all means to put their intention in execution. Some by practice, some by force, when time shall serve, and no time can serve so well the Queen's majesty to interrupt the perils, as now at the first, before the Queen of Scots purposes be fully settled.

N^o. XI. (Vol. I. p. 349.)

Randolph to the earl of Leicester, from Edinburgh
the 31st of July 1565 ".

MA Y it please your lordship, I have received your lordship's letter by my servant, sufficient testimony of your

^{**} Cott. Lib. Cal. B. 9. fol. 216. An Original.

lordship's favour towards me, whereof I think my self always so assured, that what other mishap soever befal me, I have enough to comfort myself with; though I have not at this time received neither according to the need I stand, nor the necessity of the service that I am employed in, I will rather pass it, as I may with patience, than trouble your lordship to be further futer for me, when there is so little hope that any good will be done for me. I doubt not but your lordship hath heard by such information as I have given from hence, what the present state of this country is, how this Queen is now become a married wife, and her husband, the self-same day of his marriage, made a king. In their desires, hitherto, they have found so much to their contentment, that if the rest succeed and prosper accordingly, they may think themselves much happier, than there is appearance that they shall be; so many discontented minds, so much misliking of the subjects to have these matters thus ordered, and in this sort to be brought to pass I never heard of any marriage; so little hope, so little comfort as men do talk, was never seen, at any time, when men should most have shewed themselves to rejoice, if that consideration of her own honour and well of her country had been had as appertained in so weighty a case. This is now their fear, the overthrow of religion, the breach of amitie with the Queen's majesty, and the destruction of as many of the nobility as she hath misliking of, or that he liketh to pitch a quarrel unto. To see all these inconveniencys approaching, there are a good number that may sooner lament with themselves, and complain to their neighbours, than be able to find remedie to help them, some attempt with all the force they have, but are too weak to do any good, what is required otherways, or what means there is made your lordship knoweth; what will be answered, or what will be done, therein we are in great doubt, and though your intent be never so good unto us, yet do we so much fear your delay, that our ruin shall prevent your support when council is once taken. Nothing so needful, as speedy execution. Upon the Queen's majesty, we wholly de-

pend, in her majesty's hands it standeth to save our lives; or to suffer us to perish; greater honour her majesty cannot have, than in that which lyeth in her majesty's power to do for us; the sums are not great, the numbers of men are not many that we desire; many will dayley be found tho' this will be some charge; men grow dayley, though, at this time, I think her majesty shall loose but few; her friends here being once taken away, where will her majesty find the like; I speak least of that which I think is most earnestly intended by this Queen, and her husband, when by him it was lately said, that he cared more for the papists in England, than he did for the protestants in Scotland; if therefore, his hopes be so great in the papists of England what may your lordship believe that he thinketh of the protestants there; for his birth, for his nurritour, for the honour he hath to be of kine to the Queen my mistress, if in preferring those that are the Queen's majesty's worst subjects to those that are her best, he declareth what mind he beareth to the Queen's majesty's self, any man may say it is slenderly rewarded, and his duty evil forgotten; he would now seem to be indifferent to both the religions, she to use her mass, and he to come sometimes to the preaching; they were married with all the solemnities of the popish time, saving that he heard not the mass; his speech and talk argueth his mind, and yet would he fain seem to the world that he were of some religion; his words to all men, against whom he conceived any displeasure how unjust soever it be, so proud and spitfull, that rather he seemeth a monarch of the world, than he that, not long since, we have seen and known the lord Darnley; he looketh now for reverence of many that have little will to give it him; and some there are that do give it, that think him little worth of it. All honour that may be attributed unto any man by a wife, he hath it wholly and fully; all praises that may be spoken of him, he lacketh not from herself; all dignities that she can indue him with, which are already given and granted; no man pleaseth her that contenteth not him; and what may I say more, she hath given over to him her whole will, to be

tuled and guided as himself best liketh; she can as much prevail with him, in any thing that is against his will, as your lordship may with me to persuade that I should hang myself; this last dignity out of hand to have been proclaimed king, she would have it deferred untill it were agreed by parliament, or he had been himself 21 years of age, that things done in his name might have the better authority. He would, in no case, have it deferred one day, and either then or never; whereupon this doubt is risen amongst our men of law whether she being clad with a husband, and her husband not twenty-one years, any thing without parliament can be of strength, that is done between them; upon Saturday at afternoon, these matters were long in debating. And before they were well resolved upon, at nine hours at night, by three heralds, at sound of the trumpet he was proclaimed king. This was the night before the marriage; this day, Monday at twelve of the clock, the lords, all that were in the toun, were present at the proclaiming of him again, where no man said so much as Amen, saving his father, that cried out aloud God save his Queen. The manner of the marriage was in this sort, upon Sunday in the morning between five and six, she was conveyed by divers of her nobles to the chapell; she had upon her back the great mourning gown of black, with the great wide mourning hood, not unlike unto that, which she wore the doulfull day of the burial of her husband: she was led into the chapell, by the earls of Lenox and Athol, and there was she left untill her husband came, who also was conveyed by the same lords, the minister priests, two, do there receive them, the bands are asked the third time, and an instrument taken by a Notour that no man said against them, or alledged any cause why the marriage might not proceed. The wordes were spoken, the rings which were three, the middle a rich diamond, were put upon her finger; they kneel together, and many prayers said over them, she tarrieth out the mass, and he taketh a kiss, and leaveth her there, and went to her chamber, whither within a space she followeth; and being required, according to the solemnity, to cast off

her cares and leave aside those sorrowful garments ; and give herself to a more pleasant life , after some pretty refusall , more I believe for manner sake than grief of heart , she suffered them that stood by , every man that could approach , to take out a pin , and so being committed to her ladies , changed her garments , but went not to bed , to signifie to the world , that it was not lust that moved them to marry , but only the necessity of her country , not , if God will , long to leave it destitute of an heir . Suspicious men , or such as are given of all things to make the worst , would that it should be believed , that they knew each other before that they came there ; I would not your lordship should so believe it , the likelihoods are so great to the contrary , that if it were possible to see such an act done , I would not believe it . After the marriage followeth commonly great cheer and dancing : to their dinner they were conveyed by the whole nobility ; the trumpets sound ; a largef cried ; mony thrown about the house in great abundance , to such as were happy to get any part ; they dine both at one table , she upon the upper hand , there serve her these earls Athole Sewer , Morton Carver , Crauford Cup-bearer ; these serve him in like offices , earls Eglington , Cassels , and Glen-cairn ; after dinner they danced a while , and then retired themselves till the hour of supper ; and as they dined so do they sup , some dancing there was , and so they go to bed ; of all this I have written to your lordship I am not Oculatus testis , to this , but of the verity your lordship shall not need to doubt , howsoever I came by it ; I was sent for to have been at the supper , but like a currish or un-courtly carle I refused to be there ; and yet that which your lordship may think might move me much , to have had the sight of my mistress , of whom these eighteen days by just account I got not a sight , I am my lord taken by all that sort as a very evil person , which in my heart I do well allow , and like of myself the better , for yet can I not find either honest or good that liketh their doings . I leave at this time further to trouble your lordship , craving pardon for my long silence , I have more ado than I am able to

discharge ,

discharge, I walk now more abroad by night than by day, and the day too little to discharge myself of that which I conceive, or receive in the night. As your lordship, I am sure, is partaker of such letters as I write to Mr. Secretary, so that I trust that he shall be to this, to save me of a little labour, to write the same again. most humbly I take my leave at Edinburgh, the last day of July 1565.

N^o. XII. (Vol. I. p. 349.)

Letter of the earl of Bedford to the honourable Sir William Cecil kn^t. her Majesty's principal secretary, and one of her highness's privy council".

AFTER my hearty commendations, this day at noon captain Brickwell came hither, who brought with him the Queen's majesty's letters containing her full resolution, and pleasure for all things he had in charge to give information of, saying that for the aid of the lords of the congregation there is nothing determined, or at the least expressed in the same letters, and for that purpose received I, this morning, a letter subscribed by the duke, the earl of Murray, Glencarne, and others, craving to be holpen with 300 harquebusiers out of this garrison, for their better defence. And albeit, I know right well the goodness of their cause, and the Queen's majesty our sovereign's good will, and care towards them; and do also understand that it were very requisite to have them holpen, for that now their cause is to be in this manner decided, and that it now standeth upon their utter overthrow and undoing, since the Queen's party is at the least 5000, and they not much above 1000; besides, that the Queen hath harquebusiers, and they have none, and do yet want the power that the earl of Argyle should

²² ad of Sept. 1565. Paper-Office, from the Original.

bring to them, who is not yet joined with theirs; I have thereupon thought good to pray you to be a means to learn her majesty's pleasure in this behalf, what, and how, I shall answer them, or otherwise deal in this matter, now at this their extreme necessity. For, on the one side, lyeth thereupon their utter ruin and overthrow, and the miserable subversion of religion there; and, on the other side, to adventure so great and weighty a matter as this is, (albeit it be but of a few soldiers, for a small time) without good warraunte, and thereby to bring, peradventure, upon our heads some wilful warrs, and in the mean time to leave the place unfurnished, (having in the whole but 800) without any grant of new supply for the same; and by that means also, to leave the marches here the more subject to invasion, while in the mean season new helps are preparing; to this know not I what to say or how to do. And so much more I marvel thereof, as that having so many times written touching this matter no resolute determination cometh. And so between the writing, and looking for answer, the occasion cannot pass, but must needs proceed and have success. God turn it to his glory; but surely all men's reason hath great cause to fear it. Such a push it is now come unto, as this little supply would do much good to advance God's honour, to continue her majesty's great and careful memory of them, and to preserve a great many noblemen and gentlemen. If it be not now helpen, it is gone for ever. Your good will and affection that way I do nothing mistrust, and herein shall take such good advice as by any means I can. I received from these lords two papers inclosed, the effect whereof shall appear unto you. For those matters that captain Brickwell brought, I shall answer you by my next, and herewith send you two letters from Mr. Randolph, both received this day. By him you shall hear that the protestants are retired from Edenborough, further off. So I hope your resolution for their aid shall come in time, if it come with speed, for that they will not now so presently need them; and so with my hearty

thanks commit you to God. From Berwick, this 2d of Sept. 1565.

N^o. XIII. (Vol. I. p. 345.)

The Queen to the earl of Bedford^{**}.

UPON the advertisements lately received from you, with such other things as came also from the lord Scrope and Thomas Randolph, and upon the whole matter well considered, we have thus determined. We will, with all the speed that we can, send to you 3000l. to be thus used. If you shall certainly understand that the earl of Murray hath such want of money as the impresting to him of 1000l. might stand him in stead for the help to defend himself, you shall presently let him secretly understand, that you will, as of yourself, let him have so much, and so we will that you let him have, in the most secret sort that you can, when the said sum shall come to you, or if you can, by any good means, advance him some part there beforehand.

The other 2000l. you shall cause to be kept whole, unspent, if it be not that you shall see necessary cause to imprest some part thereof to the now numbers of the 600 footmen and 100 horsemen; or to the casting out of wages of such workmen, as by fickness, or otherwise, ought to be discharged. And where we perceive, by your sundry letters, the earnest request of the said earl of Murray and his associates, that they might have, at the least, 300 of our soldiers, to aid them. And that you also write, that tho' we would not command you to give them aid, yet if we would but wink at your doing herein, and seem to blame you for attempting such things, as you with the help of others should bring about, you doubt not but things would do well; you shall understand for a truth, that we have no intention, for many respects, to

^{**} 12 Sept. 1565. Paper. Office.

maintain any other prince's subjects , to take arms against their sovereign , neither would we willingly do any thing to give occasion to make wars betwixt us and that prince , which has caused us to forbear , hitherto , to give you any power to let them be aided with any men . But now , considering we take it , that they are pursued , notwithstanding their humble submission , and offer to be ordered and tried by law and justice , which being refused to them , they are retired to Domfrefe , a place near our west marches , as it seemeth there to defend themselves , and adding thereunto the good intention that presently the French king pretendeth , by sending one of his to join with some one of ours , and jointly to treat with that Queen , and to induce her to forbear this manner of violent and rigorous proceeding against her subjects , for which purpose the French ambassador here with us has lately written to that Queen , whereof answer is daily looked for ; to the intent in the mean time the said lords should not be oppressed and ruined , for lack of some help to defend them , we are content and do authorize , if you shall see it necessary for their defence , to let them (as of your own adventure , and without notifying that you have any direction therein from us) to have the number of 300 soldiers , to be taken either in whole bands , or to be drawn out of all your bands , as you shall see cause . And to cover the matter the better , you shall send these numbers to Carlisle , as to be laid there in garrison , to defend that march , now in this time that such powers are on the other part drawing to those frontiers , and so from thence as you shall see cause to direct of , the same numbers or any of them , may most covertly repair to the said lords , when you shall expressly advertize , that you send them that aid only for their defence , and not therewith to make war against the Queen , or to do any thing that may offend her person , wherein you shall so precisely deal with them , that they may perceive your care to be such as if it should otherwise appear , your danger should be so great , as all the friends you have could not be able to save you towards

us. And so we assure you our conscience moveth us to charge you, so to proceed with them; for otherwise than to preserve them from ruin, we do not yield to give them aid of money or men: And yet we would rot that either of these were known to be our act, but rather to be covered with your own desire and attempt.

A P P E N D I X

TO THE
SECOND VOLUME.

N^o. I. (Vol. II. p. 6.)

Randolph to Cecil, from Edinburgh, 7th Feb.
1565-6¹.

MY humble duty considered; what to write of the present state of the country I am so uncertain, by reason of the daily alterations of men's minds, that it maketh me much flower than otherwise I would. Within these few days, there was some good hope, that this Queen would have shewed some favour towards the lords, and that Robert Melvin should have returned unto them with comfort, upon some conditions. Since that time, there are come out of France Clernau by land, and Thorneton by sea; the one from the cardinal, the other from the bishop of Glasgow. Since whose arrival neither can there be good word gotten, nor appearance of any good intended them, except that they be able to perswade the Queen's majesty our sovereign to make her heir apparent to the croun of England. I write

¹ An Original.

of this nothing less than I know, that she hath spoken. And by all means that she thinketh the best doth travaile to bring it to pass. There is a band lately devised, in which the late pope, the emperor, the king of Spain, the duke of Savoy, with divers princes of Italy, and the Queen mother suspected to be of the same confederacy to maintain papistry throughout Christiandom; this band was sent out of France by Thorne-ton, and is subscribed by this Queen, the copy thereof remaining with her, and the principal to be returned very shortlie as I hear by Mr. Stephen Willson, a fit minister for such a devilish devise; if the copy hereof may be gotten, that shall be sent as I conveniently may. Monsieur Rambollet came to this toun upon Monday, he spoke that night to the Queen and her husband, but not long; the next day he held long conferences with them both, but nothing came to the knowledge of any whereof they intreated. I cannot speak with any that hath any hope that there will be any good done for the lords by him, though it is said that he hath very good wi'll to do so to the uttermost of his power. He is lodged near to the court, and liveth upon the Queen's charges. Upon Sunday the order is given, whereat means made to many to be present that day at the mass. Upon Candlemas day there carried their candles, with the Queen, her husband, the earl of Lenox, and earl Athol; divers other Lords have been called together and required to be at the mass that day, some have promised, as Castels, Mongomerie, Seton, Cathness. Others have refused, as Fleming, Levington, Lindsay, Huntly and Bothel; and of them all Bothel is the stoutest, but worst thought of; it was moved in council that mass should have been in St. Giles church, which I believe was rather to tempt men's minds, than intended indeed: She was of late minded again to send Robert Melvin to negotiate with such as she trusteth in amongst the Queen's majesty's subjects, of whose good willis this way I trust that the bruit is greater than the truth, but in these matters, her majesty is too wise not in time to be ware, and provide for the worst; some in that country are thought to be privie

unto the bands and confederacie of which I have written, where of I am sure there is some things tho' perchance of all I have not heard the truth; in this court divers quarles, contentions, and debates; nothing so much sought as to maintain mischief and disorder. David yet retaineth still his place, not without heart grief to many, that see their sovereign guided chiefly by such a fellow; the Queen hath utterly refused to do any good to my lord of Argyll, and it is said that shall be the first voyage that she will make after she is delivered of being with child; the bruit is common that she is, but hardly believed of many, and of this, I can assure you, that there have of late appeared some tokens to the contrary.

N^o. II. (Vol. II.) p. 15.

Part of a letter from the earl of Bedford and Mr. Tho. Randolph to the lords of the council of England from Berwick, 27th of March 1566. An Original in the Cotton Library, Caligula B. 10. fol. 372².

May it please your Honours,

H E A R I N G of so maynie matters as we do, and fyndinge such varietie in the reports, we have myche ado to decerne the veritie: which maketh us the flower and loother to put any thing in wryting, to the entente we wold not that your honours, and by you the Queen's majestie, our soveraigne, should not be advertised but of the verie trothe as we can possible. To this end we thought good to send up captain Carewe, who was in Edinbourge at the tyme of the last attemptate, who spoke there with diverse, and after that with the Queen's self and her husband conforme to that, which we have learned by others,

² 27th March. 1566,

and know by this reporte, we send the same, confirmed by the parties self, that were there present and assyfsters unto these that were executors of the acte.

This we fynde for certain, that the Queen's husband being entered into a vehement suspicion of David, that by hym some thyng was committed, which was most agaynst the Queen's honour, and not to be borne of his perte, fyrste communicated his mynde to George Duglas, who fynding his sorrows so great sought all the means he coulde to put some remedie to his grieff; and communicating the same unto my lord Ruthen by the king's commandment, no other waye coulde be found then that David should be taken out of the waye. Wherein he was so earnest and daylye pressed the same, that no reste could be had untyll it was put in execution. To this that was found good, that the lord Morton, and lord Lindsaye should be made privie to th' intente that theire might have their friends at hande, yf neade required; which caused them to assemble so mayny, as theire thought sufficient against the tyme, that this determination of theirs should be put in executione; which was determined the ixth of this instante, 3 daies afore the parliament should begyne, at which time the fayde lords were assured that the erles Argyle, Morraye, Rothes and their complyces sholde have been forfeited, yf the king could not be persuaded through this means to be their friend; who for the desyre he had that this intent should take effect th' one waye, was content to yielde, without all difficultie to t'other, with this condition, that theire should give their consents, that he might have the crowne matrimonial. He was so impatient to see these things he saw, and were daylye brought to his eares, that he dayly pressed the said lord Ruthen, that there might be no longer delay; and to the intent that myght manifeсте unto the world, that he approved the acte, was content to be at the doing of that himself.

Upon Saturdaye at night neire unto VIII of the clock the king conveyeth himself, the lord Ruthen, George Duglaſs, and two others, throwe his own chamber by the privy stayers up to the Queen's chamber going to which there is a cabinet,

about XII foot square; in the same a little low reposing bed and a table at the which they were sitting at supper the Queene, the lady Argile, and David with his capp upon his head. Into the cabinet there cometh in the king and lord Ruthen, who willed David to come forth, saying, that was no place for him. The Queen said, that it was her will. Her howsband answerede, that yt was against her honour. The lord Ruthen said, that he shold lerne better his deutie, and offering to have taken him by the arm, David took the Queen by the blychtes of her gown and put himself behind the Queen who wolde gladlee have saved him: But the king having loosed his hand, and holding her in his arms, David was thrust out of the cabinet throw the bed chamber of presens, whar were the lord Morton, lord Lindsey, who interding that night to have reserved hym, and the next day to hang him, so mane being about him, that bore him evil will, one thrust him into the boddie with a dagger, and after hym a great many others, so that he had in his bodie above wonds. It is told for certayne, that the king's own dagger was left sticking in him. Wheather he stuck him or not we cannot be here certayn. He was not slayne in the Queen's presens, as was said, but going down the stayres out of the chamber of presens.

There remayned a long tyme with the Queen her howsband and the lord Ruthen. She made, as we here, great intercession, that he shold have no harm. She blamed greatlee her howsband that was the actor of so foul a deed. It is said, that he did answer, that David had more companie of her boddie than he for the space of two months; and therefore for her honour and his own contentment he gave his consent that he shold be taken away. "It is "not," (saythe she) "the woman's part to seek the hus- "band," and therefore in that the fault was his own. He said that when he came, she either wold not or made herself, sick. "Well," saythe she, "you have taken your last of "me and your farewel." Then were pity, sayd the Lord Ruthen, he is your majesty's husband and must yield dutie to each other. "Why may I not," saythe she, "leave

" him as well as your wife did her husband ? " Other have done the like. The lord Ruthen said that she was lawfully divorced from her husband , and for no such cause as the king found himself greve. Befydes this man was mean , basse , enemie to the nobility, shame to her, and destruction to herself and country. " Well , " saith she , " that shall be dear blude to some of you , yf his be spylt . " God forbid , sayth the lord Ruthen ; for the more your grace shewe yourself offended the world will judge the worse.

Her husband this tyme speaketh litle , herself continually weepeth. The lord Ruthen being ill at ease and weak calleth for a drink , and saythe , " This I must do with " your majesties pardon , " and persuadeth her in the best sort he could , that she would pacify herself. Nothing that could be said , could please her.

In this mean time there rose a nombre in the court ; to pacify which there went down the lord Ruthen , who went strayt to the erles Huntly , Bothwell and Atholl to quiet them , and to assure them from the king that nothing was intend against them. These notwithstanding taking fear , when theire heard that my lord Murray wold be there the next day , and Argile meet them , Huntly and Bothwell both get out of a window and so depart. Atholl had leave of the king with Flysh and Glandores (who was lately called Deyslay the person of Owne) to go where they wold , and bring concorde out of the court by the lord of Lidington. Theire went that night to such places , where they thought themselves in most fauftie.

Before the king lefft talk with the Queen , in the hering of the lord Ruthen she was content that he should lie with her that night. We know not how he ** himself , but came not at her , and excused hymself to his friends , that he was so sleepie , that he could not wake in due season.

There were in this companie two that came in with the king ; the one Andrewe Car of Fawdenside , whom the Queen sayth would have stroken her with a dagger , and one Patrick Balentine , brother to the justice clerk , who also her grace sayth , offered a dag against her belly with

the cock down. We have been earnestly in hand with the lord Ruthen to know the vartie; but he assoureth us of the contrarie. There were in the Queen's chamber the lord Robert, Arthur Arskin, one or two others. They at the first offering to make a defence, the lord Ruthven drawd his dagger, and 4 mo weapons then, that were not drawn nor seen in her prefens, as we are by this lord assured.

[The letter afterwards gives an account of the flight to Dunbar Castle, whither resorted the lords Huntley and Bothwell: That the earl of Morton and lord Ruthven find themselves left by the king for all his fair promises, bonds, and subsciptions. That he had protested before the council, that he was never consenting to the death of David, and that it is fore against his will: "That of the great substance
 " David had there is much spoken, some fay in gold to
 " the value of 11^mL. His apparel was very good, as it is said, 28 pair of velvet hose. His chamber well furnished,
 " armour, dagger, pystoletts, harquebuses, 22 swords.
 " Of all this nothing spoyld or lacked saving 2 or 3 daggers.
 " He had the custody of all the Queen's letters, which all
 " were delivered unlooked upon. We hear of a juill, that
 " he had hanging about his neck of some price, that can-
 " not be heard of. He had upon his back, when he was
 " flayn, a night gown of damask furred, with a fatten
 " doublet, a hose of russet velvet."]

N^o. III. (Vol. II. p. 25.)

Part of a Letter from Randolph to Cecil, Jan 16.
 1565-6.

— **I**CANNOT tell what misliking of late there hath been between her grace and her husband, he presseth earnestly for the matrimonial crown, which she is loth hastily to grant; but willing to keep somewhat in store, until she know how well he is worth to enjoy such a sovereignty:

and therefore it is thought that the parliament for a time shall be deferred, but hereof I can write no certainty.

From Mr. Randolph's letter to secretary Cecil¹.

THE justice-clerk in hard terms, more for his brother's cause than any desert, and as far as I can hear the king of all other in worst, for neither hath the Queen good opinion of him for attempting of any thing that was against her will, nor the people that he hath denied so manifest a matter, being proved to be done by his commandment, and now himself to be the accuser and pursuer of them that did as he willed them. This Scott, that was executed, and Murray that was yesterday arraigned, were both accused by him. It is written to me, for certain, by one, that upon Monday last spoke with the Queen, that she is determined that the house of Lenox shall be as poor in Scotland as ever it was. The earl continueth sick, sore troubled in mind; he staith in the abby, his son hath been once with him, and he once with the Queen, since she came to the castle. The Queen hath now seen all the covenants and bands that passed between the king and the lords, and now findeth that his declaration, before her and council, of his innocence of the death of David was false; and grievously offended that, by their means, he should seek to come to the crown matrimonial.

Part of a letter from Randolph to Cecil from Berwick, 25 April 1566.

— **T**HERE is continually very much speech of the discord between the Queen and her husband, so far that, that is commonly said and believed of himself, that Mr.

¹ 4 April, 1565. Paper-Office, from the Original.

James Thornton is gone to Rome to sue for a divorce between them. It is very certain that Malevasier had not spoken with him within these three days. He is neither accompanied nor looked upon of any nobleman: attended upon by certain of his own servants, and six or seven of the guard; at liberty to do, and go where and what he will, they have no hope yet among themselves of quietnes.

— David's brother named Joseph, who came this way with Malevasier, unknown to any man here, is become secretary in his brother's place.

N^o. IV. (Vol. II. p. 30.)

The earl of Bedford to Cecil, 3d August 1566.

THE Queen and her husband agree after the old manner, or rather worse. She eateth but very seldom with him, lieth not, nor keepeth company with him, nor loveth any such as love him. He is so far out of her books, as at her going out of the Castle of Edinburgh, to remove abroad, he knew nothing thereof. It cannot for modesty, nor with the honour of a Queen, be reported what she said of him. One Hickman, an English merchant there, having a water spaniel which was very good, gave him to Mr. James Melvill, who afterwards, for the pleasure, which he saw the king have in such kind of dogs, gave him to the king. The Queen thereupon fell marvellously out with Melvill, and called him dissembler and flatterer, and said she could not trust one, who would give any thing to such one as she loved not.

The earl of Bedford to Cecil, Aug. 8.

THE disagreement between the Queen and her husband continueth, or rather increaseth. Robert Melvill drawing homewards, within twelve miles of Edinburgh, could not tell where to find the Queen; sith which time she is come

to Edinburgh, and had not twelve horses attending on her. There was not then, nor that I can hear since, any lord baron, or other nobleman in her company. The king her husband is gone to Dumfermling, and passeth his time as well as he may; having at his farewell, such countenance as would make a husband heavy at the heart.

Sir John Foster to Cecil, 8 Sept. from Berwick.

THE Queen hath her husband in small estimation, and the earl of Lenox came not in the Queen's sight since the death of Davy.

Sir John Foster to Cecil, 11th Dec.

THE earl of Bothwell is appointed to receive the analfadours, and all things for the christening are at his lordship's appointment, and the same is scarcely well liked of the nobility, as is said. The king and Queen is presently at Craigmillar, but in little greater familiarity than he was all the while past.

Advertisements out of Scotland from the earl of Bedford *.

THAT the king and the Queen agreed well together two days, after her coming from ——, and after my lord of Murray's coming to Edinburgh, some new discord has happened. The Queen hath declared to my lord of Murray that the king bears him evil will, and has said to her, that he is determined to kill him, finding fault that she doth bear him so much company: and in like manner hath willed my lord of Murray to spiere the king, which he did a few nights since in the Queen's presence, and in the hearing of divers. The

* August 1566, Paper-Office, from the original.

king confessed, that reports were made to him, that my lord of Murray was not his friend, which made him speak that thing he repented; and the Queen affirmed, that the king had spoken such words unto her, and confessed before the whole house, that she could not be content that either he or any other should be unfriend to my lord of Murray. My lord of Murray required the same stoutly, and used his speech very modestly, in the meantime the king departed very grieved; he cannot bear that the Queen should use familiarity either with man or woman, and especially the ladies of Arguile, Murray, and Marre, who keep most company with her. My lord of Murray and Bothwell have been at evil words for the L. of Ledington, before the Queen, for he and Sir James Balfoure had now come from Ledington, with his answer upon such heads or articles as Bothwell and he should agree upon, which being reported to the said earl in the Queen's presence, made answer, that ere he parted with such land as was desired, he should part with his life. My lord of Murray said stoutly to him, that twenty as honest men as he should lose their lives ere he reafe Ledington. The Queen spake nothing, but heard both; in these terms they parted, and since, that I hear of, have not met. The Queen after her hunting came to Edinburgh, and carryeth the prince thence to Stirling with her. This last Saturday was executed a servant of the lord Ruthven's, who confessed that he was in the cabinet, but not of council of the fact. The Queen hath also opened to my lord of Murray, that money was sent from the pope, how much it was, and by whom, and for what purpose it was brought.

N^o. V. (Vol. II. p. 46.)

Part of a letter from Elizabeth to Mary, Feb. 20, 1569. A copy interlined by Cecil. It contains an answer to a complaining letter of Mary's upon the imprisoning of the Bishop of Ross.

— — — AFTER this [i. e. Mary's landing in Scotland] how patiently did I bear with many vain delays in not ratifying the treaty accorded by your own commissioners, whereby I received no small unkindness, besides the manifold causes of suspicion that I might not hereafter trust to any writings. Then followed a hard manner of dealing with me, to entice my subject and near kinsman, the lord Darnly, under colour of private suits for land, to come into the realm, to proceed in treaty of marriage with him without my knowledge, yea to conclude the same without my assent or liking. And how many unkind parts accompanied that fact, by receiving of my subjects that were base runnegates and offenders at home, and enhancing them to places of credit against my will with many such like, I will leave for that the remembrance of the same cannot but be noysome to you. And yet all these did I as it were suppress and overcome with my natural inclination of love towards you; and did afterwards gladly, as you know, christen your son, the child of my said kinsman, that had before so unloyally offended me, both in marriage of you, and in other undutiful usages towards me his sovereign. How friendly also dealt I by messages to reconcile him, being your husband, to you, when others nourished discord betwixt you, who as it seemed had more power to work their purposes, being evil to you both, than I had to do you good, in respect of the evil I had received. Well I will overpass your hard accidents that followed for lack of following my council. And then in your most extremity, when you was a prisoner indeed, and in danger of your life from your

notorious evil willers, how far from my mind was the remembrance of any former unkindness you had shewed me. Nay how void was I of respect to the designs which the world had seen attempted by you to my crown, and the security that might have ensued to my state by your death, when I finding your calamity to be great, that you were at the pit's brink to have miserably lost your life, did not only intreat for your life, but so threatened some as were irritated against you, that I only may say it, even I was the principal cause to save your life.

• . N°. VI. (Vol. II. p. 65.)

Letter of Q. Elizabeth to Q. of Scotts. Thus marked on the back with Cecil's hand. — *Copia Literarum Regiae Majestatis ad Reginam Scotorum.* VIII°. Aprilis ⁵.

MADAME, vous ayant trop molesté par M. de Crocq, je n'eusse eu si peu de considération de vous fascher de cette lettre, si les liens de charité vers les ruinez, & les prières des miserables ne m'y contraignassent. Je entends que un edit a été divulgué de par vous, madame, que ung chascun, que veult justifier que ons esté les meurtriers de votre feu mari, & mon feu cousin, viennent a le faire le XI^eme de ce mois. Laquelle chose, comme c'est plus honorable & nécessaire, qui en tel cas se pourra faire, ne y estant caché quelque mistere ou finesse, ainsi le pere & amis du mort gentelhomme m'ont humblement requis, que je vous priaise de prolonguer le jour, pource qu'ilz cognoissent que les iniques se sont combinés par force de faire ce que par droit ils ne pourront pas faire; partant, je ne puis mais sinon pour l'amour de vous même, a qui il touche le plus, & pour la consolation des innocens, de vous exhorter de leur conceder cette requeste, laquelle, §

⁵ Paper. Office.

elle les feroit nié, vous tourreroit grandement en soupçon, de plus que j'espere ne pensez, & que ne voudriez volontiers ouyr. Pour l'amour de Dieu, madame, ulez de telle sincerité & prudence en ce cas qui vous touche de si pres, que tout le monde aye raison, de vous livrer comme innocente d'ung crime si enorome, chose que si ne fistes, seriez dignement esbloyé hors de rancz de princesses, & non sans cause faite opprobre de vulgaire, & plutot que cela vous avienne, je vous souhaiterois une sepulture honorable, qu'une vie maculée; vous voiez, madame, que je vous traite comme ma fille, & vous promets, que si j'on eusse, ne lui souhaiterais mieulx, que je vous desire, comme le Seigneur Dieu me porte tesmoignage, a qui je prie de bon cœur de vous inspirer a faire ce qui vous sera plus a honneur, & a vos amis plus de consolation, avec mes tres cordialles recommendations comme a icelle a qui je souhaite le plus de bien, qui vous pourra en ce monde avenir. De West ce 8 jour de Janvier ^{en hasté.}

N^o. VII. (Vol. II. p. 80.)

Account of the sentence of divorce between the earl of Bothwell and lady Jean Gordon his wife. From a manuscript belonging to Mr. David Falconer, advocate. Fol. 455.

UPOUN the 29 of Apryle 1567, before the richt hont. Mr. Robert Maitland, dean of Aberdene, Mr. Edward Henryson doctor in the laws, two of the senators of the college of justice, Mr. Clement Little, and Mr. Alexander Syme advocatis, commissers of Edendurgh; compeered Mr. Henry Kinross, procurator for Jean Gourdoune, countes of Bothwell, constitute be her for pursegowing of ane proces of divorcement intendit by her contra James erle Bothwel her husband for adultery, committed be him with Bellie Crawe

* A mistake in the date corrected with Cecil's hand VIIIth. Aprilis.

furde the pursuers servant for the time; and sicklyke, for the said erle, compeared Mr. Edmond Hay, who after he had pursued and craved the pursuer's procurator's oath de calumnia, if he had just caus to pursue the said action, and obtained it, denied the libell, and the said Mr. Harrie took the morne, the last day of Apryle, to prove the same pro prima. The quhilke day, having produced some witnessses, he took the next day, being the 1 of May, to do farther diligence. Upon the quhilke 1 of May, he produced some moe witnessses, and renounced farther probatioune. After quhilke, he desired a term to be assigned to pronounce sentence. To whom the said commissars assigned Satterday next, the 3 of May, to pronounce sentence, therein, secundum allegata et probata, quilk accordingly was given that day in favour of the pursewar.

At the same time there was another proces intedit be the erle of Bothwell contra his lady, for to have their mariage declared nul, as being contracted against the canons, without a dispensation, and he and his lady being within degrees defendant, viz ferdis a kin, and that wyse for expeding of this proces, there was a commissioune grantit to the archbishop of St. Androis to cognosce and determine it, and Ro^t. bishop of Dunkeld, William bishop of Dunblane, Mr. Andro Craufurd chanon in Glasgow, and parson of Egelshame, Mr. Alexander Creichtoun, and Mr. George Cooke chancellor of Dunkeld, and to Mr. Johne Manderstoune chanon in Dunbar and prebendar of Belton, or any ane of them. This commissione is datit 27 Aprile 1567, was presented to two of the saids commissioners, viz Mr. And^r Crawfurd and Mr. John Manderstoune on Satterday 3 May, by Mr. Thomas Hepburne parson of Auldhamstocks, procurator for the erle of Bothwell, who accepted the delegatioune, and gave out their citation by precept, directed, Decano Christianitatis de Hadingtone, nec non vicario seu curato eccle. parochiae de Creichtoun, seu cuiuscunq; alteri cappellano debite requisitis, fer summoning. at the said erles instance, both of the lady personally if she could be had, or otherways at the

parosche kerk of Creichtoun the time of service, or at her dwelling place before witnesses, primo, secundo, tertio et peremptorie, unico tamen contextu pro duplice edicto. And likeways to be witnesses in the said matter, Alex. bishop of Galloway, who did marry the said erle and his lady, in Halerud house kirk, in Feb. 1565, sir John Bannatyne of Auchnoule justice clerk, Mr. Robert Creichtoun of Elliok the Queen's advocate, Mr. David Chalmers provost of Creichtoun and chancellor of Ross, Michael— abbot of Melrofs, and to compear before the said judges or any one of them in St. Geils^{*} kirk in Ed^r on Monday the 5 of May, be thamselves, or their procurators. Upon the said 5 day, Mr John Manderstoun, one of the judges delegat only being present, compeared the same procurators for both the parties that were in the former proces, Mr. Edmund Hay (articulatlie) and some of the witnesses summoned produced, and received for proving of the same. The said procurator renounced farder probatioune, and the judge assigned the morne, the 6th of May, ad publicandum producta, nempe depositiones iporum testium. The quhilk day, post publicatas depositiones prædictas, Mr. Hen. Kinross, procurator for the lady^t instanter objecit objectiones juris generaliter, contra producta, insuper renunciavit ulteriori defensioni; proinde conclusa de consensu procuratorum hinc inde causa, judex prædictus statuit crastinum diem pro termino, ad pronunciandam suam sententiam definitivam, ex deductis coram eo, in praesenti causa et processu. Conform hereunto, on Wednesday the 7th of May, the said judge gave out his sentence in favour of the erle, declaring the marriage to be, and to have been null from the beginning, in respect of their contingency in blood, which hindered their lawful marriage without a dispensation obtained of befoir.

* Two words in the parenthesis illegible.

N^o. VIII. (Vol. II. p. 84.)

A letter from England concerning the murder of king Henry Darnley *.

HAVING the commodity of this bearer Mr. Clark, I tho't good to write a few words unto you. I have received some wris from you; and some I have seen lately sent to others from you, as namely to the earl of Bedford of the 16th of May. I have participat the contents thereof to such as I thought meet, this mekle I can assure you; the intelligence given hither by the French was untrue, for there was not one papist nor protestant which did not consent that justice should be done, be the Queen my sovereign's aid and support, against such as had committed that abominable ill murder in your country; but to say truth, the lack and coldness did not rise from such as were called to council, but from such as should give life and execution thereunto. And further, I assure you, I never knew no matter of estate proponed which had so many favourers of all sorts of nations as this had: yea, I can say unto you, no man promoted the matter with greater affection, than the Spanish ambassador. And sure I am that no man dare openly be of any other mind, but to affirm that whosoevet is guilty of this murder handfasted with advoutre, is unworthy to live. I shall not need to tell you, which be our letts, and stayes from all good things here. You are acquainted with them as well as I. Needs I must confess, that howsoever we omit occasions of benefit, honour, and surety; it behoveth your whole nobility, and namely such as before and after the murder were deemed to allow of Bodwell, to prosecute with sword and justice the punishment of those abominable acts, though we lend you but a cold aid, and albeit you, and divers others, both honourable and honest, be well known to me, and sundry others here,

* E. of Morton's Archieves. Bundle B. N^o. 25.

to be justifiable in all their actions and doings; yet think not the contrary but your whole nation is blemished and infamit by these doings which lately passed among you. What we shall do I know not, neither do I write unto you assuredly, for we be subiect unto many mutations, and yet I think we shall either aid you, or continue in the defence and safeguard of your prince, so as it appear to us that you mean his safeguard indeed, and not to run the fortune of France, which will be your own destruction, if you be unadvised. I know not one, no not one of any quality or estate in this country, which does allow of the Queen your sovereign, but would gladly the world were rid of her, so as the same were done without farther slander, that is to say by ordinary justice. This I send the 23d of May.

N^o. IX. (Vol. II. p. 94)

Part of a letter from Sir Nicolas Throkmorton to Cecil, 11th of July 1567, from Berwick*.

—SIR, your letter of the 6th of July. I received the 10th at Berwick. I am sorry to see that the Queen's majesty's disposition alterereth not towards the lords, for when all is done, it is they which must stand her more in stead, than the Queen her cousin, and will be better instruments to work some benefite and quietness to her majesty and her realm, than the Queen of Scotland which is void of good fame.

A letter from Sir Nicholas Throkmorton to Cecil, from Fastcastle, 12th of July 1567 **.

SIR, as you might perceive by my letter of the 11th July, I lodged at Fastcastle that night, accompanied

* An Original Paper-Office.

** Paper-Office.

and their uncertainty hath occasioned this that is yet happened, and therefore her Majesty hath sent me to the end I may inform her throughly of the state of the matters, and upon the declaration of their minds and intents to such purposes as shall be by me proposed on their majesty's behalf unto them, they shall be reasonably and resolutely answered. At these things the lord of Ledington smiled and shook his head, and said it were better for us yow would let us alone, than neither to do us nor yourselves good, as I fear me in the end that will prove; Sr if there be any truth in Ledington, le Crocq is gone to procure Ramboilet his coming hither or a man of like quality, and to deliver them of their Queen for ever, who shall lead her life in France, in a abbey reclused, the prince at the French devotion, the realm governed by a council of their election of the Scottish nation, the forts committed to the custody of such as shall be chosen amongst themselves, as yet I find no great likelihood that I shall have access to the Queen, it is objected they may not so displease the French king, unless they were sure to find the Queen of England a good friend; and when they once by my access to the Queen have offended the French, then they say yow will make your profit thereof to their undoing; and as to the Queen's liberty, which was the first head that I proposed, they said that thereby they did perceive that the Queen wants their undoing, for as for the rest of the matters it was but folly to talk of them, the liberty going before; but said they, if you will do us no good, do us no harm, and we will provide for our selves. In the end they said, we should refuse our own commodity, before they concluded with any other, which I should hear of at my coming to Edin'; by my next I hope to send you the band concluded by Hamiltons, Argyll, Huntly, and that faction, not so much to the prejudice of the lords of Edin', as that which was sent into France; thus having no more leasure but compelled to leap on horseback with the lords to go to Edin', I humbly take my leave of from Fascastle the 12th of July 1567.

To Sir Nicolas Throkmorton being in Scotland.
By the Queen, the 14th July 1567.

T RUSTY and well beloved we greet you well, though we think that the causes will often change upon variety of accidents, yet we think for sundry respects, not amiss, that as yow shall deal with the lords having charge of the young prince for the committing of him into our realm, so shall yow also do well, in treaty with the Queen, to offer her that where her realm appeareth to be subject to sundry troubles from time to time, and thereby (as it is manifest) her son cannot be free, if she shall be contented that her son may enjoy suerty and quietnes, within this our realm, being so near as she knows it is; we shall not fail to yield her as good suerty therein for her child, as can be devised for any that might be our child born of our own body, and shall be glad to shew to her therein the trew effect of nature; and herein she may be by yow remembered how much good may ensue to her son to be nourished and acquainted with our country; and therefore all things considered, this occasion for her child, were rather to be sought by her and the friends of him, than offered by us; and to this end, we mean that yow shall so deal with her, both to stay her indeed from inclining to the French practice, which is to us notorious, to convey her and the prince into France, and also to avoid any just offence, that she might hereafter conceive, if she should hear that we should deal with the lords for the prince.

Sir Nicolas Throkmorton to Queen Elizabeth,
14th July 1567, from Edinburgh. **.

I f may please your majesty to be advertised, I did signifie unto Mr. Secretary by my letters of the 11th and 12th of

** An Original Paper-Office.

July, the day of mine entry into Scotland, the causes of my stay, my lodging at Fastcastle, a place of the lord Hume's, where I was met by the said lord and by the lord Lidington, and what had passed in conference betwixt us, whilst I was at the said Fastcastle. Since which time, accompanied with the lords aforesaid, and with 400 horses by their appointment for my better conduct, I came to Edin^r the 12th of this present. The 13th being Sunday appointed for a solemne communion in this town, and also a solemne fast being published, I could not have conference with the lords which he assembled within this town as I desired, that is to say the earls of Athole, and Morton, the lord Hume, the lord Lidington, Sir James Balfour captain of the castle, Mr. James M'Gill, and the president of the session.

Nevertheless I made means by the lord of Lidington that they would use no protracte of time in mine audience, so did I likewise to the earle of Morton, whom I met by chance; I was answered by them both, that albeit the day were destined to sacred exercises, such as were there of the council would consult upon any moyen touching my access unto them and my conference with them, and said also, that in the afternoon either they would come to me, or I should hear from them. About 4 of the clock in the afternoon, the said 13th day, the lord of Lidington came to my lodgings, and declared unto me on the behalf of the lords and others, that they required me to have patience, though they had deferred my conference with them, which was grounded principally upon the absence of the earles of Mar and Glencairn, the lords Semple, Crighton, and others of the council, saying also that they did consider the matters which I was on your behalf to treate with them of, were of great importance, as they could not satisfy nor conveniently treate with me, nor give me answer without the advice of the lords, and others their associates; the lord of Lidington also said unto me, that where he perceived, by his private conference with me in my journey hitherwards, that I pressed greatly to have speedy acces to the Queen their sovereign, he perceived, by the lords and

others which were here, that in that matter there was great difficulty for many respects, but specially because they had refused to the French ambassador the like access, which being granted unto me, might greatly offend the French, a matter which they desired and intended to eschew; for they did not find by your majesty's dealings with them hitherto, that it behoved them to irritate the French king, and to lose his favour and good intelligence with him: I answered, that as to their refusal made unto the French ambassador, monsieur de Ville Roye was dispatched forth of France before these accidents here happened, and his special errand was to impeach the Queen's marriage with the earle of Bothel (for so indeed since my coming hither I learned his commission tended to that end, and to make offer to the Queen of another marriage), and as to monsieur de Crocq, he could have no order forth of France concerning these matters, since they happened; and therefore they might very well hold them suspected to have conference with the Queen, least they might treate of matters in this time without instructions, and so rather do harm then good; but your majesty being advertized of all things which had chanced, had sent me hicher to treat with them, for the well of the realm, for the conservation of their honours and credit, and for their surety; and I might boldly say unto him, that your majesty had better deserved than the French had. He said, for his own part, he was much bound unto your majesty, and had always found great favour and courtesie in England, but to be plain with you, Sir, fayed he, there is not many of this assembly that have found so great obligation at the Queen your sovereigns hands, as at the French kings, for the earles of Morton and Glencairn be the only persons which took benefit by the Queen's majesty's aid at Leith, the rest of the noblemen were not in the action; and we think, said he, the Queens majesty your sovereign, by the opinion of her own council, and all the world, took as great benefit by that charge as the realm of Scotland, or any particular person; and not to talk with yow as an ambassador, but with Sir Nicolas Throkmorton, my lord Morton, and such as were in pain for the death of Davie, found but

cold favour of the Queens majestys hands , when they were banished forth of their own country ; but I would all our whole company were as well willing to accomplish the Queen your sovereign intents and desires as I am ; for mine own part , I am but one , and that of the meanest sort , and they be many noblemen and such as have great interest in the matter , mary yow shall be assured I will employ myself to employ my credit , and all that I may do , to satisfie the Queen your mistres , as much as lyeth in me , and for your own part you have a great many friends in this assembly , with many other good words . But for conclusion I must take this for an answer to stay untill the other lords were come , and thereupon I thought meet to advertize your majesty what hath passed , and how far forth I have proceeded ; your expectation being great to hear from hence .

And now to advertize your majesty of the state of all things , as I have learned since my coming hither , it may please your majesty to understand as followeth .

The Queen of Scotland remaineth in good health in the castle of Lochleven , guarded by the lord Lindsay and Lochleven the owner of the house , for the lord Ruthven is imployed in another commission , because he began to shew great favour to the Queen , and to give her intelligence . She is waited on with 5 or 6 ladys , 4 or 5 gentlewomen , and 2 chamberers , whereof one is a French woman . The earle of Buchan , the earl of Murray's brother , hath also liberty to come to her at his pleasure ; the lords aforesaid , which have her in guard , doe keep her very straitly , and as far as I can perceive , their rigour proceedeth by their order from these men , because that the Queen will not by any means be induced to lend her authority to prosecute the murder , nor will not consent by any perswasion to abandon the lord Bothell for her husband , but avoweth constantly that she will live and die with him ; and faith that if it were put to her choice to relinquish her crown and kingdom , or the lord Bothell , she would leave her kingdom and dignity , to go as a simple damsell with him , and that she will never consent that he shall fare worse or have more harm than herself .

And as far as I can perceive, the principal cause of her detention is, for that these lords do see the Queen being of so fervent affection towards the earle Bothell as she is, and being put at, as they should be compelled to be in continuall arms, and to have occasion of many battels, he being with manifest evidence notoriously detected to be the principall murderer, and the lords meaning prosecut. ion of justice against him according to his merits.

The lords mean also a divorce betwixt the Queen and him, as a marriage not to be suffered for many respects; which separation cannot take place if the Queen be at liberty, and have power in her hands.

They do not also forget their own perill, conjoined with the danger of the prince, but as far as I can perceave, they intend not either to touch the Queen in fuyrty or in honour, for they do speak of her with respect and reverence, and do affirm, as I do learn, that the conditions aforesaid accomplished, they will boch put her to liberty, and restore her to her estate.

These lords have for the guard of their towne 450 Harquebusers which be in every good order, for the entertainment of which companys, until all matters be compounded, they did sue unto your majesty, to aid them with such sum of money as hath been mentioned to Mr. Secretary by the lord of Lidington's writing, amounting as I perceive to ten or twelve thousand crowns of the

They were lately advertized that the French King doth mind to send hither monsieur de la Chapell des Ursine, a knight of the French order, and always well affectionate to the house of Guyse, and howsoever la Forest, Villaroy, and de Crocq have used language in the Queens favour and to these lords disadvantage there, to your majesty; de Crocq doth carry with him such matter as shall be little to the Queen's advantage; so as it is thought the French king, upon his coming to his presence, will rather satisfie the lords, than pleasure the Queen; for they have their party so well made, as the French will rather make their profit by them, than any other way.

Herewith I send your majesty the last bond agreed on, and signed by the Hamiltons, the earl of Argyll, Huntly, and sundry others at Dumbarton.

Nevertheless, since my coming to this town, the Hamiltons have sent unto me a gentleman of their sur-name, named Robert Hamilton, with a letter from the bishop of St. Andrews and the abbot of Arbroth, the copy whereof I send your majesty and mine answer unto them, referring to the bearer the declaration of some things, as these did by him unto me.

The earle of Argyll hath, in like manner, sent another unto me with a letter and credit, I have used him as I did the others, the copy of both*which letters I send your majesty also. The lord Harrys hath also sent unto me but not written, and I have returned unto him in like sort.

Against the 20th day of this month there is a generall assembly of all the churches, shires, and boroughs - towns of this realm, namely of such as be contented to repair to these lords to this town, where it is thought the whole state of this matter will be handeled, and I fear me much to the Queen's disadvantage and danger; unless the lord of Lidington and some others which be best affected unto her do provide some remedy; for I perceave the great number, and in manner all, but chiefly the common people, which have assisted in these doings, do greatly dishonour the Queen, and mind seriously either her deprivation, or her destruction; I used the best means I can (considering the furie of the world here) to prorogue this assembly, for that appeareth to me to be the best remedy: I may not speak of dissolution of it, for that may not be abiden, and I should thereby bring myself into great hatred and peril. The chiefeſt of the lords which be here present at this time dare not show ſo much lenity to the Queen as I think they could be contented, for fear of the rage of the people. The women be moft furious and impudent againſt the Queen, and yet the men be mad enough; ſo as a stranger over busie may ſoon be made a ſacrifice amoungt them.

* There was a great bruit that the Hamiltons with their

adherents would put their force into the fields against the 24th of this month, but I do not find that intent so true, as the common bruit goeth.

The earle of Argyll is in the Highlands, where there is trouble among his own countrymen.

The earle of Lenox is by these lords much desired here, and I do believe your majesty may so use him, and direct him, as he shall be able to promote your purpose with these men.

The earle of Argyll, the Hamiltons and he be incompatible. — I do find amongst the Hamiltons, Argyll and the company two strange and sundry humours.

Hamiltons do make shew of the liberty of the Queen, and prosecute that with great earnestness, because they would have these lords destroy her, rather than she should be recovered from them by violence; another time they seem to desire her liberty, and Bothwell's destruction, because they would compas a marriage betwixt the Queen and the lord of Arbroth.

The earle of Argyll doth affect her liberty, and Bothwell's destruction, because he would marry the Queen to his brother.

And yet neither of them, notwithstanding their open concurrence (as appeareth by their bond), doth discover their minds to each other, nor mind one end; Knox is not here, but in the west parts, he and the rest of the ministers will be here at the great assembly, whos austerity against the Queen I fear as much as any man's.

By some conference which I had with some of this councill, me thinketh that they have intelligence that there is a disposition in the Queen of Scotland to leave this realm, and to retire herself into either England or into France, but most willingly into England, for such — and mislikeings as she knoweth hath been, and is meant unto her in France, leaving the regiment either to a number of persons deleagued, and authorized by her, or to some one or more.

And it please your majesty, I think it not amiss to put

yow

yow in remembrance, that in case the said Queen come into England by your allowance, without the French king's consent, she shall loose her dowery in France, and have little or nothing from hence to entertain her; and in case she do go into France with the king's contentment, she may be an instrument (if she can recover favour, as time will help to cancell her disgrace) either by matching with some husband of good quality, or by some other devise, to work new unquietness to her own contry, and so consequently to your majesty's.

Therefore it may please your majesty to consider of this matter, and to let me know your pleasure with convenient speed, how I shall answer the same, if it be propounded unto me, either by the Queen, or by the councill, as a piece of the end and composition. For I am sure, of late, she hath seemed very desirous to have the matter brought to pass that she might go into England, retaining her estate and jurisdiction in herself, though she do not exercise it; and likewise I understand that some of this council which be least affected to her safety do think there is no other way to save her. Thus Almighty God preserve your majesty in health, honour, and all felicity; at Edinburgh the 14th July 1567.

Sir Nicholas Trokmorton to Queen Elizabeth, the 18th of July 1567, from Edinburgh ¹¹.

IT may please your majesty, yow might perceave by my letters of the 16th, how far I had proceeded with these lords, and what was their answere; since which time I have spoken particularly with the earle Morton, the lord of Lidington, and Sir James Balfour, captain of this castle, at whose hands I cannot perceave that as yet acces to the Queen to Lochleven will be granted me, staying themselves still by the absence of the lords and others their associates, which (they say) they look for within two days; and for

¹¹ An Original Paper-Office.

that I find, by likelihood and apparent presumptions, that mine access to the Queen will hardly be granted, I have thought good not to defer this dispatch untill I have a resolute answer in that matter.

May it therefore please your majesty, to understand Robert Melvin returned from the Queen in Lochlevin, to this town the 6th of July, and brought a letter from her written of her own hand to these lords, which doth contain as I understand matter as followeth—A request unto them to have consideration of her health, and if they will not put her to liberty, to change the place of restraint to the castle of Stirling, to the end she might have the comfort and company of her son, and if they will not change her from Lochleven, she required to have some other gentlewomen about her, naming none.

To have her Apothecary, to have some modest minister.—To have an imbroiderer to draw forth such work as she would be occupied about, and to have a varlet of the chamber.—Touching the government of the realm she maketh two offers, which are but generally touched in her letter, the particularys be not specified, but referred to Robert Melvin's credit, the one is to commit it only and wholly to the earle of Murray, the other is to the lords whose names ensue, afflited with such others as they shall call unto them, that is to say, the duke of Chatelraught, the earls of Morton, Murray, Marr, and Glencairn.

She hath written unto them that I might have access unto her.—She requireth further, that if they will not treat her and regard her as their Queen, yet to use her as the king their soveraign's daughter (whom many of them knew) and as their prince's mother.—She will by no means yield to abandon Bothell for her husband, nor relinquish him; which matter will do her most harm of all, and hardeneth these lords to great severity against her.

She yieldeth in words to the prosecution of the murder.

I have the means to let her know that your majesty hath sent me hither for her relief.

I have also persuaded her to conform herself to renounce

Bothell for her husband, and to be contented to suffer a divorce to pass betwixt them; she hath sent me word that she will in no ways consent unto that, but rather die; grounding herself upon this reason, taking herself to be seven weeks gone with child; by renouncing Bothell, she should acknowledge herself to be with child of a bastard, and to have forfeited her honour, which she will not do to die for it; I have perswaded her to save her own life and her child, to choose the least hard condition.

Mr. Knox arrived here in this town the 6th of this month, with whom I have had conference, and with Mr. Craig also, the other minister of this town.

I have perswaded with them to preach and perswad lenity, I find them both very austere in this conference, what they shall do hereafter I know not, they are furnished with many arguments, some forth of the scripture, some forth of histories, some grounded (as they say) upon the laws of this realm, some upon practices used in this realm, and some upon the conditions and oath made by their prince at her coronation.

The bishop of Galloway, uncle to the earle of Huntley, hath sent hither to these lords, that his nephew the earle and some others of that side may, at Linlithgow or at Stirling, have some communication with some appointed on this side, assuring them that there is a good disposition in the lords of the other party to concurre with these, assuring further that they will not dissent for trifles or unnecessary things, and (as I am given to understand) they can be pleased the Queen's restraint be continued, until the murder be pursued in all persons, whereby the separation of the Queen and Bothell is implied, the preservation of the prince, the security for all men, and a good order taken for the governance of the realm in tranquillity.

Captain Clerk, which hath so long served in Denmark and served at Newhaven, did the 16th of this month (accompanied with one of his soldiers, or rather the soldier as the greater fame goeth) kill one Wilson a seaman, and

such a one as had great estimation with these lords both for his skill, his hardyness, honesty, and willingness in this action; whereupon Clerk hath retired himself; their quarrel was about the ship which took Blacketer, which ship was appointed by these lords to go to the north of Scotland to impeach the passage of the earle Bothell, in case he went either to the isles, or to any other place; by the death of this man this enterprize was dashed.

The bishop of Galloway is come to Linlithgow, and doth desire to speak with the lord of Lidington.

The abbot of Kilwinning hath sent for Sir James Balfour, captain of the castle, to have conference with him.

As I wrote unto your majesty in my last, the Hamiltons now find no matter to disever these lords and them asunder, but would concur in all things (yea in any extremity against the Queen) so as that they might be assured the prince of Scotland were crowned king, and should die without issue, that the earle of Lenox's son living should not inherit the croun of this realm, as next heir to his nephew.

And although the lords and councelors speak reverently, mildly, and charitably of their Queen, so as I cannot gather by their speech any intention to cruelty or violence, yet I do find by intelligence, that the Queen is in very great peril of her life, by reason that the people assembled at this convention do mind vehemently the destruction of her.

It is a public speech amongst all the people, and amongst all estates (saving of the counsellors) that their Queen hath no more liberty nor priviledge to commit murder nor adultery, than any other private person, neither by God's laws, nor the laws of the realm.

The earl of Bothwell, and all his adherents and associates, be put to the horn by the ordinary justice of this town, named the lords of the session; and commandment given to all shiriffs, and all other officers, to apprehend him, and all other his followers and receiptors—The earl of Bothell's porter, and one of his other servitors of his chamber, being apprehended, have confessed such sundry circum-

stances, as it appeareth evidently, that he, the faid earl was one of the principal executors of the murder, in his own person accompanied with sundry others, of which number I cannot yet certainly learn the names but of three of them, that is to say, two of the Ormistons of Tivott-dall, and one Hayborn of Bolton; the lords would be glad that none of the murderers should have any favour or receipt in England, and hereof their desire is, that the officers upon the border may be warned; Bothell doth still remain in the north parts, but the lord Seaton and Fleming, which have been there, have utterly abandoned him, and do repair hitherwards.—The intelligence doth grow daily betwixt these lords, and those which held of; and notwithstanding these lords have sent an hundred and fifty harquibushers to Stirling, to keep the town and passage from surprize; and so have they done in like manner to St. Johnston, which be the two passages from the north, and west to this town, I do understand the captain of Dunbar is much busied in fortifying that place, I do mervile the carriages be not impeached otherwise than they be.

Of late this Queen hath written a letter to the captain of the faid castle, which hath been surprized; and thereby matter is discovered which maketh little to the Queen's advantage.

Thus, having none other matter worthy your majesty's knowledge, I beseech God to prosper your majesty with long life, perfect health, and prosperous felicity. At Edinburgh the 18th of July 1567.

Letter of Sir Nicholas Throkmorton to the right honourable the earl of Leicester, knt. of the order, and one of the lords of her majesty's most honourable Privy Council".

BY my former dispatches sent to her majesty, and Mr. Secretary, since the 12th of July, your lordship might have

²³ 24th of July 1567. Paper-Office, from the Original.

perceived the state of this country , and to what end these matters be like to come : so as not to trouble your lordship with many words ; this Queen is like very shortly to be deprived of her royal estate , her son to be crowned king , and she detained in prison within this realm ; and the same to be governed , in the young king's name , by a council , consisting of certain of the nobility , and other wise men of this realm ; so as it is easy to be seen that the power and ability to do any thing to the commodity of the Queen's majesty , and the realm of England , will chiefly , and in manner wholly , rest in the hands of these lords , and others their associates , assembled at Edinburgh . Now if the Queen's majesty will still persist in her former opinion towards the Queen of Scotland , (unto whom she shall be able to do no good) then I do plainly see that these lords and all their accomplices will become as good French , as the French king can wish , to all intents and purposes . And as for the Hamiltons , the earls of Arguile , Huntlye , and that faction , they be already so far enchanted that way , as there needeth little devise to draw them to the French devotion . Then this is the state of things so come to pass of this country , that France has Scotland now as much conjoined unto them , to all purposes , as ever it was ; and what an instrument , the young prince will prove , to unquiet England , I report me to your lordships' wisdom , and therefore considering the weight of the matter , and all the circumstance , I trust your lordships will well bethink you in time (for 'tis high time) how to advise her majesty , to leave nothing undone that may bring the prince of Scotland to be in her possession , or , at the least , to be at her devotion . And amongst other things , that I can imagine , for the first degree nothing is more meet to bring this to effect , than to allure this company here assembled , to bear her majesty their favour . Some talk hath passed between the lord of Liddington and me , in certain conferences , about this matter . By him I find , that when her majesty shall have won these men to her devotion , the principal point that will make them conformable to deliver their prince into

England, will rest upon the Queen, and the realms enabling him to the succession of the crown of England, for fault of issue of the Queen's majesty's body, some other things will also be required, as the charge of the said prince and his train to be at the charge of England. I do well perceive that these men will never be brought to deliver their prince into England, without the former condition, for the succession of England; for (saith Liddington) that taking place, the prince shall be as dear to the people of England as to the people of Scotland; and the one will be as careful of his preservation as the other. Otherwise, he saith, all things considered, it will be reported that the Scottishmen have put their prince to be kept in safety, as those which commit the sheep to be kept by the wolves. So as for conclusion, your lordships may perceive here will be the scope of this matter. As unto the delivering of him upon hostages, he saith, let no man think, that the condition of the succession not being accomplished, the nobility and the gentry will never consent to leave themselves destitute of their sovereign, upon any hostages, neither upon any promises, nor likelihood of good to issue in time to come. It were not good for yourselves (saith he) that the matter were so handled; for then you should adventure all your goods in one ship, which might have a dangerous effect, considering the unwillingness of the Queen your sovereign to consent to establishing any successor to the crown. And then, how unmete were it, that her majesty having in her possession already all such persons as do pretend to it, or be inheritable to the crown, to have our prince also in her custody. For so there might follow, without good capitulations, a strange and dangerous issue, tho' the Queen your mistress do think that such imaginations could not proceed but from busy heads, as you have uttered unto us on her behalf. What is come to pass since my last dispatch, and how far forth things are proceeded, I refer your lordship to be informed by my letters sent unto her majesty, at this time. And so I pray Almighty God, preserve

your lordship in much honour and felicity. At Edinburgh
this 24th or July 1567.

It may please your good lordship to make my lord
Stuard partner of this letter.

The Queen to Sir Nicholas Throkmorton ^{**}.

By the Queen.

T RUSTY and right well beloved, we greet you well, for as much as we do consider that you have now a long time remained in those parts, without expedition in the charge committed unto you, we think it not meet seeing there hath not followed the good acception and fruit of our well meaning towards that state, which good reason would have required, that you should continue there any longer; our pleasure, therefore, is, that you shall, immediately upon the receipt hereof, send your servant Middlemore unto the lords and estates of that realm, that are assembled together, willing him to declare unto them, that it cannot but seem very strange unto us, that you having been sent from us, of such good intent, to deal with them, in matters tending so much to their own quiet, and to the benefit of the whole estate of their country, they have so far forgotten themselves, and so lightly regarded us and our good meaning, not only in delaying to hear you, and deferring your access to the Queen their sovereign, but also, which is strangest of all, in not vouchsafing to make any answer unto us. And altho' these dealings be such, indeed, as were not to be looked for at their hands, yet do we find their usage and proceeding toward their Sovereign and Queen, to overpass all the rest in so strange a degree, as we for our part, and we suppose the whole world besides, cannot but think them to have therein gone so far beyond the duty of subjects, as

^{**} 6th Aug. 1567.

must needs remain to their perpetual tauche for ever. And therefore ye shall say, that we have tho't good, without consuming any longer time in vain, to revoke you to our presence, requiring them to grant you licence and pasport so to do, which when you shall have obtained, we will that you make your repair hither, unto us, with as convenient speed as you may. Given, &c.

Indorsed 6th August, 1567.

Throkmorton to the right honourable Sir William Cecil, knight, one of her majesty's priyy council and principal secretary, give these".

S I R ,

WHAT I have learned, since the arrival of my lord of Murray, and Mons. de Linnerol, you shall understand by my letter to her majesty, at this time. The French do, in their negotiations, as they do in their drink, put water to their wine. As I am able to see into their doings, they take it not greatly to the heart how the Queen sleep, whether she live or die, whether she be at liberty or in prizon. The mark they shoot at, is, to renew their old league; and can be as well contented to take it of this little king, (howsoever his title be) and the same by the order of these lords, as otherwise. Lineroll came but yesterday, and methinketh he will not tarry long; you may guesse how the French will seek to displease these lords, when they changed the coming of La Chapelle des Ourlins for this man, because they doubted that de la Chapelle should not be grateful to them, being a papist. Sir, to speak more plainly to you, than I will do otherwise, me thinketh the earl of Murray will run the course that those men do, and be partaker of their fortune. I hear no man speak more bitterly against the tragedy, and the players therein, than he, so little like he hath to horrible sins. I hear an inkling

that Ledington is to go into France, which I do as much mislike, as any thing, for our purpose. I can assure you the whole protestants of France will live and die in these men's quarrels ; and, where there is bruit amongst you ; that aid should be sent to the adverse party , and that Martigues should come hither with some force ; Mons. Baudelot hath assured me of his honour , that instead of Martigues coming against them , he will come with as good a force to succour them : and if that be sent under meaner conduct , Robert Stuart shall come with as many to fortify them. But the constable hath assured these lords , that the king meaneth no way to offend them. Sir , I pray you find my revocation convenient , and speed you to further it , for I am here now to no purpose , unless it be to kindle these lords more against us. Thus I do humbly take my leave of you , from Edinburgh the 12th of August , 1567.

Yours to use and command.

The Queen to Nicholas Throkmorton.

TRUSTY and well-beloved we greet you well. We have, within these two days, received three sundry letters of yours , of the 20th , 22d , and 23d , of this month , having not before those received any seven days before ; and do find , by these your letters , that you have very diligently and largely advertised us of all the hasty and peremptory proceedings there ; which as we nothing like , so we trust in time to see them wax colder , and to receive some reformation. For we cannot perceive , that they with whom you have dealt can answer the doubts moved by the Hamiltons , who howsoever they may be carried for their private respects , yet those things which they move , will be allowed by all reasonable persons. For if they may not , being noblemen of the realm , be suffered to hear the Queen their sovereign declare her mind concerning the reports which are made of her , by such as keep her in captivity , how should they believe the reports , or obey them which do report it ? and therefore our

meaning is, you shall let the Hamiltons plainly understand, that we do well allow of their proceedings, (as far forth as the same doth concern the Queen their sovereign for her relief) and in such things as shall appear reasonable for us therein to do, for the Queen our sister, we will be ready to perform the same. And where it is so required that upon your coming thence, the lord Scroope should deal with the lord Herris to impart their meanings to us, and ours to them, we are well pleased therewith, and we require you to advertise the lord Scroope hereof by your letters, and to will him to shew himself favourable to them in their actions, that may appear plainly to tend to the relief of the Queen, and maintenance of her authority. And as we willed our secretary to write unto you, that upon your message done to the earl of Murray, you might return, so our meaning is you shall. And if these our letters shall meet you on the way, yet we will have you advertise both the lord Scroope, and the Hamiltons, of our meaning.

Indorsed 29 Aug. 1567.

N^o. X. (Vol. II. p. 100.)

Sir Nicholas Throkmorton to the archbishop of St. Andrew's and the abbot of Arbrothe¹⁶.

AFTER my good commendations to your good lordships, this shall be to advertize you, that the Queen's majesty my sovereign having sent me hither her ambassador to the Queen her sister your sovereign, to communicate unto her such matter as she thought meet, considering the good amity and intelligence betwixt them, who being detained in captivity (as your lordships know) contrary to the duty of all good subjects, for the enlargement of whose person, and the restitution of her to her dignity,

¹⁶ 13th Aug. 1567. Paper-Office, from a copy which Sir Nicholas sent to the Queen.

her majesty gave me in charge to treat with these lords assembled at Edinburgh, offering them all reasonable conditions and means as might be, for the safeguard of the young prince, the punishment of the late horrible murder, the dissolution of the marriage betwixt the Queen and the earl of Bodwell, and lastly for their own sureties. In the negotiation of which matters I have (as your lordships well know) spent a long time to no purpose, not being able to prevail in any thing with those lords, to the Queen my sovereign's satisfaction. Of which strange proceedings towards her majesty, and undutiful behaviour towards their sovereign, I have advertised the Queen's majesty; she (not being minded to bear this indignity) hath given me in charge to declare her further pleasure unto them, in such sort as they may well perceive her majesty doth disallow of their proceedings, and thereupon hath revoked me. And further hath given me in charge to communicate the same unto your lordships, requiring you to let me know, before my departure hence, (which shall be, God willing, as soon as I have received answer from you) what you and your confederates will assuredly do, to set the Queen your sovereign at liberty, and to restore her to her former dignity by force or otherwise; seeing these lords have refused all other mediation, to the end the Queen's majesty my sovereign may concur with your lordships in this honourable enterprize.

And in case through the dispersion of your associates, your lordships can neither communicate this matter amongst you, nor receive resolution of them all by that time, it may please you to send me the opinions of so many of you as may confer together, within two or three days, so as I may have your answer here in this town by Monday or Tuesday next at the farthest, being the 19th of this August; for I intend (God willing) to depart towards England, upon Wednesday following. Thus I most humbly take my leave of your lordships at Edinburgh, the 13th of Aug. 1567.

Indorsed the 13th of Aug. 1567.

Sir Nicholas Throkmorton to the lord Herrys".

YOUR good lordship's letter of the 13th of August I have received the 19th of the same. For answer whereunto it may like your lordship to understand, that I will signify unto you plainly, how far forth I am already thoroughly instructed of the Queen's majesty my sovereign's pleasure concerning the detention of the Queen your sovereign, and concerning her relief.

To the first her majesty hath given in charge, to use all kinds of persuasion in her name, to move these lords assembled at Edinburgh to desist from this violent and undutiful behaviour, which they used towards their sovereign. And in this part, besides the shew of many reasons, and sundry persuasions of amicable treaty with them, her majesty hath willed me to use some plain and severe speech unto them, tending so far forth, as if they would not be better advised, and reform these their outrageous proceedings exercised against their sovereign, that then they might be assured her majesty neither would nor could endure such an indignity to be done to the Queen, her good cousin and neighbour.

And notwithstanding these my proceedings with them, they have made proof to be little moved thereby, for as yet neither will they consent to the enlargement, neither suffer me to speak with her. So as it seemeth to me, it is superfluous to treat any more with them after this manner. Whereupon I have advertised the Queen's majesty my sovereign, expecting daily her majesty's further order; and as I shall be advertised thereof, so will not fail to signify the same to your good lordship; and in the mean time will advertise her majesty also, what your lordship hath written unto me. Thus with my due commendations to your good lordship, I commit the same to

¹⁷ 24th Aug. 1567. Paper-Office, from a copy which Sir Nicholas sent to Secretary Cecil.

almighty God, resting always to do you the pleasure and service that I can lawfully. At Edinburgh.

Indorsed 24th of August, 1567.

N^o. XI. (Vol. II. p. III.)

Account of lord Herrys' Behaviour in the Parliament held December 15, 1567 ^{11.}

THE lord Herrys made a notable harangue, in the name of the duke and himself their friends and adherents, (the duke himself, the earl of Cassilles, and the abbot of Kilwinning being also present) to persuade the union of the whole realm in one mind. Wherein he did not spare to set forth solemnly the great praise that part of this nobility did deserve, which in the beginning took meanes for punishment of the earl Bothwell, as also seeing the Queen's inordinat affection to that wicked man, and that she could not be induced by their persuasion to leave him, that in sequeftring her person within Lochlevin, they did the duty of noblemen. That their honourable doings, which had not spared to hazard their lives and lands, to avenge their native country from the flanderous reports that were spoken of it among other nations, had well deserved that all their brethren should join with them in so good a cause. That he and they, in whose names he did speak, wou'd willingly, and without any compulsion, enter themselves in the same yoke, and put their lives and lands in the like hazard, for maintenance of our cause. And if the Queen herself were in Scotland, accompanied with 20,000 men, they will be of the same mind, and fight in our quarrel. He hoped the remainder noblemen of their party, Huntly, Arguile, and others, which had not as yet acknowledged the king, would come to the same conformity, whereunto he would also earnestly move them. And if they will remain obstinate,

¹¹ Paper-Office.

and refuse to qualify themselves^{*}, then will the duke, he, and their friends, join with us to correct them, that otherwise will not reform themselves. So plausible an oration, and more advantageous for our party, none of ourselves could have made. He did not forget to term my lord regent, by the name of regent, (there was no mention at all of the Earl of Murray) and to call him grace at every word, when his speeches were directed to him, accompanying all his words with low courtesies after this manner.

N^o. XII. (Vol. II. p. 134.)

Queen Mary to Queen Elizabeth ^{**}.

M A D A M,

Although the necessity of my cause (which maketh me to be importune to you) do make you to judge that I am out of the way; yet such as have not my passion, nor the respects where you are persuaded, will think that I do as my cause doth require. Madam, I have not accused you, neither in words, nor in thought, to have used yourself evil towards me[†]; and I believe, that you have no want of good understanding, to keep you from persuasion against your natural good inclination. But in the mean time I can't chuse (having my senses) but perceive very evil furtherance in my matters, since my coming hither. I thought that I had sufficiently discoursed unto you the discommodities, which this delay bringeth unto me. And especially that they think in this next month of August, to hold a parliament against me and all my servants. And in the mean time, I am stayed here, and yet will you, that I should put myself further into your country, (without seeing you) and remove me further from mine; and there do me this dishonour at the request of my rebels, as to send commissioners to hear them against me,

^{*} Cott. Lib. Cal. I. A Copy, and probably a Translation.

as you would do to a mere subject, and not hear me by mouth. Now, madam, I have promised you to come to you, and having there made my moan and complaint of these rebels, and they coming thither, not as possessors, but as subjects, to answer. I would have besought you to hear my justification of that which they have falsely set forth against me, and if I could not purge myself thereof, you might then discharge your hands of my causes, and let me go for such as I am. But to do as you say, if I were culpable I would be better advised; but being not so, I can't accept this dishonour at their hands, that being in possession they will come and accuse me before your commissioners, whereof I can't like: And seeing you think it to be against your honour and consignage to do otherwise, I beseech you that you will not be mine enemy, untill you may see how I can discharge myself every way, and to suffer me go into France, where I have a dowry to maintain me; or at least to go into Scotland, with assurance that if there come any strangers thither, I will bind myself for their return without any prejudice to you, or if it pleis you not to do thus, I protest that I will not impute it to falsehood, if I receive strangers in my country, without making you any other discharge for it. Do with my body as you will, the honour of blame shall be yours. For I had rather die here, and that my faithful servants may be succoured (tho' you would not so) by strangers, than to suffer them to be utterly undone, upon hope to receive, in tyme to come, particular commodity. There be many things to move me to fear that I shall have to do, in this country, with others than with you. But forasmuch as nothing hath followed upon my last moan, I hold my peace, happen what may hap. I have as leef to abide } my fortune, as to seek it, and not find it. Further, it pleased you to give license to my subjects to go and come. This has been refused by my lord Scroop and Mr. Knolls (as they say) by your commandment, because I would not depart hence to your charge, untill I had answer of this letter, tho' I shewed them that you required my answer, upon the two points, contained in your letter.

The

The one is to let you briefly understand, I am come to you to make my moan to you, the which being heard, I would declare unto you mine innocency, and then require your aid, and for lack thereof, I can't but make my moan and complaint to God, that I am not heard in my just quarrel, and to appeal to other princes to have respect thereunto, as my case requireth; and to you, madam, first of all, when you shall have examined your conscience before him, and have him for witness.—And the other, which is to come further into your country, and not to come to your presence, I will esteem that as no favour, but will take it for the contrary, obeying it as a thing forced. In mean time, I beseech you, to return to me my Lord Herries, for I can't be without him, having none of my counsal here, and also to suffer me, if it please you, without further delay, to depart hence whithersoever it be out of this country. I am sure you will not deny me this simple request for your honour's sake, seeing it doth not please you to use your natural goodnes towards me otherwise, and seeing that of mine own accord, I am come hither, let me depart again, with yours. And if God permit my causes to succeed well, I shall be bound to you for it; and happening otherwise, yet I can't blame you. As for my Lord Fleeming, seeing that upon my credit you have suffered him to go home to his house, I warrant you he shall pass no further, but shall return when it shall please you. In that you trust me, I will not (to die for it) deceive you. But from ** Dumbarton I answer not, when my L. Fleeming shall be in the Tower. For they which are within it, will not forbear to receive succour, if I don't assure them of yours; no, tho' you would charge me withal, for I have left them in charge, to have more respect to my servants and to my estate, than to my life. Good sister, be of another mind, win the heart, and all shall be yours, and at your commandment. I thought to satisfy you wholly, if I might have seen you. Alas! do not as the serpent, that stoppeth his hearing,

** Perhaps for.

for I am no enchanter, but your sister, and natural cousin. If Cæsar had not disdained to hear or read the complaint of an advertiser, he had not so died; why should princes ears be stopped seeing that they are painted so long; Meaning that they should hear all and be well advised, before they answer. I am not of the nature of the basilisk, and less of the chameleon, to turn you to my likeness, and tho' I should be so dangerous and curs'd as men say, you are sufficiently arm'd with constancy and with justice, which I require of God, who give you grace to use it well with long and happy life. From Carlisle the 5th of July, 1568.

N^o. XIII. (Vol. II. p. 135.)

Part of a letter from Sir Francis Knollys to Cecil,
8th Aug. 1568, from Bolton ^{**}.

— **B**UT surely this Queen doth seem, outwardly, not only to favour the form, but also the chief article of the religion of the gospel, namely justification by faith only: and she heareth the faults of papistry revealed, by preaching or otherwise, with contented ears, and with gentle and weak replys, and she doth not seem to like the worse of religion throw me.

Part of a letter from Sir Francis Knollys to Cecil,
21 Sept. 1568, from Bolton.

— **I**T came to this Queen's ears of late that she was bruited to be lately turned to the religion of the gospel, to the great disliking of the papists hereabouts, which thing herself confessed unto me, and yesterday, openly in the great chamber, when the assembly was full, and some papists pre-

^{**} An Original Paper-Office.

sent, she took occasion to speak of religion, and then openly she professed herself to be of the papist religion, and took upon her to patronize the same more earnestly than she had done a great while afore, altho' her defences and arguments were so weak, that the effect of her speech was only to shew her zeal; and afterwards to me alone, when I misliked to see her become so confidently backward in religion. Why, said she, would you have me to lose France and Spain, and all my friends in other places, by seeming to change my religion, and yet I am not assured the Queen my good sister will be my assured friend, to the satisfaction of my honour and expectation.

N^o. XIV. (Vol. II.) p. 136.

A letter from my lord Herries to my lord Scroop
and sir F. Knollys, September 3d, 1568 ^{**}.

MY lords, pleasit your honourable lordships, I am informed by James Borthwick, lately come from the Queen's majesty your soverane, that is schawin to her highness, I should have ridden in Crafurdmore, sen my last cuming into this realm, upon the earl of Murray's dependents. And that I fuld have causit, or been of counsal to Scottismen to have ridden in England, to slay or spulzie her majesty's subjects.

My lords, I thought it right needfull because your lordships is, by your soverane, commanded to attend upon the Queen's majesty my mistress, so having daily access in thir matters, to declare upon the truth; humbly desiring that your lordships will, for God's cause, certificate the Queen your soverane the same.

As God lives, I have neither consented, nor any wise had knowledge of any Scottisman's riding in England, to do the subjects thereof hurt in bodies or goods, sene the siege of Leith; and as I understand it shall be fund true,

^{**} Cott. Lib. Cal. C. An Original in his own hand.

that gif ony sic open hurt be done, it is by the Queen my sovereign's disobedients, and that I have not ridden nor hurt no Scottishman, nor commanded no hurt to be done to them, sen my coming from the Queen's majesty of England, it is well kend, for that never ane will complain of me.

I have done more good to Crawfurdmore nor ever the earl of Murray has done, and will be loather to do them any harm than he will. Except the Queen's majesty your sovereign, command sic false reports to be tryit, quheresof this is altogidder an inventit leasing, her grace fall be troublit, and tyne the hearts of true men here, quhom of sic report fall be made, that baith would serve hir, and may, better than they unworthy liars.

My lords, I understand the Queen's majesty your sovereign is not contented of this bruite, that there should ony Frenchman come in this realm, with the duke of Chatelherault. Truth it is, I am no manner of way the counsal of their cuming, nor has no sic certainty thereof, as I hear by Borthwick's report from the Queen's majesty your sovereign. And gif I might as well say it, as it is true indeed, her grace's self is all the wytt, and the counsal that will never let her take order with my maistress cause. For that our sovereign havand her majesty's promise, be writing, of luff, friendship, and assistance gif need had so requirilt, enterit that realm, upon the 16 day of May, sen that time the Queen's majesty has commanded me diverse times to declare she would accept her cause, and do for her, and to put her in peaceable possession of this realme, and when I required of her majesty, in my maistress name, that her highness would either do for her, (as her special trust was she would) according to her former promises, or otherwise give her counsal, would not consent, (as I shew her grace I fand diverse repugnant) then that she would permit her to pafs in France, or to some other prince to seek support, or failing hereof, (quhilk was against all reason) that she would permit her to return in her awin countrie, in sic sempil manner as she came out

of it, and said to her majesty ane of thir, for her honour, would not be refusit, seeand that she was comed in her realm upon her writtings and promises of friendship. And sicklike, I said to her highness, gif my maistress had the like promise of her nobility and estates, as she had of herself, I should have reprovit them highly, gif they had not condescendit to one of thir three, and so I say, and so I write, that in the wairld it shall be maist reprehensible, gif this promise taketh not other good effect, nor yet it does. Notwithstanding, I get gud answier of thir promises of friendship made to my soveraign, and to put her grace in this her awin countrie peaceably, we have fund the contrary working by Mr. Middlemore directit from her highness to stay the army that cuist down our houses. And alia, in the proceeding of this late pretendit parliament, promised twenty days before the time to myself to have caused it been discharget. And yet contrary to this promise, have they made their pretendit manner of forfaulure of 31 men of guid reputation, bishops, abbottis, and barronis, obedient subjects to our soveraign, only for her cause.

They have also disponit, sen our soveraign's cause was taken upon hand be the Queen's majesty of that realm, an hundred thousand pound Scots worth of her awin true subjects geir, under the color of the law, groundit upon their false, treasonable, stowin, authority.

The murders, the oppressions, the burnings, the ravingishing of women, the destruction of policy, both ecclesiastical and temporal, in this mean time, as in my former writtings I said it was lamentable to ony christian man to hear of, except God gif grace, the profession of the evangile of Jesus Christ professit be your prince, counsal and realme, be mair myndit, nor the auld inamity that has stand betwixt the realms, many of my countrymen will doubt in this article, and their proceedings puttis my self in Sanct Thomas belief.

Now, my lords, gif the Queen's majesty of that realm, upon quhais promise and honour my maistress came there, as I have said, will leave all the French writtings, and

French phrases of writings, quhilks amongis them is over meikle on baith the fides unfit, and plainly, according to the auld true custom of Ingland and Scotland, quherein be a word promist truth was observ'd, promise in the name of the eternal God, and upon the high honour of that nobill and princely blude of the kings of Ingland, quhereof she is descendit, and presently wears the diadem, that she will put my maistress in her awin country, and cause her as Queen thereof in her authority and strength to be obeyit, and to do the same will appoint an certain day within two months at the farthest, as we understand this to be our weil, sua will we, or the maist part of us all, follow upon it, leaving the Frenchmen, and their evil French phrases togidder. And therefore, and for the true perpetual friendship of that realm, will condition, and for our part, with the grace of Almighty God, keep sic heads and conditions of agreement, as noble and wise men can condescend upon, for the weill of this hail island. As I have been partlings declaring to the Queen your sovereign, quhilk I shew to your lordships selfis both in religion, in the punishment of the earl Bothwile, for the Queen's last husband's slaughter, and for a mutual band of amity perpetually to remain amongis us.

Doubtless, my lords, without that, we may find sic time and friendly working, as may gif us occasion baith to forgette Middlemore and his late pretendit parliament, we will turn the leaf, leaving our sovereign agains our will to rest where she is, under the promise of friendship. As I have baith said, and will ever affirm, made be your sovereign, quhilk was only cause of her graces coming in that realme, and seek the help and moyen of French, or Spanish, till expulse this treasonable and false pretendit authority, quhilk means to reign above us.

My lords, I desire your lordships consider, that it is he, that maist desires the amity betwixt Ingland and Scotland to continue, and of a poor man best cause has, that writ this.

My brother the laird of Skirling, schaws me, that in your lordships communing with him, it appearit to him,

your mind was we shold suffer the earl of Murray to work, altho' it were agains reason to us, and complain thereof to the Queen's majesty, and her highness wald see it reformat. My lords, her majesty will be over meikle troublit to reform the wranges we have sustaintit already. For I am sure, gif reason and justice may have place, our maistress, and we her subjects, have received express wrang, far above two hundred thousand pounds sterling, in the time of this unhappy government, seeing the reformation of sa great causes, comes, now a days, so slowlie and the ungodly law of oblivion in sic matters so meikle practis'd, I think, nowther for the Queen's honour, nor our weill, your lordships would sua mean, nor that it is good to us to follow it. And that ye will give your sovereign sic advertisement thereof, as your good wisdoms shall find in this cause meet. It will be true and frindfull working for us, indeed, and nowther French phrases, nor boasting, and finding little other effect, that will cause us to hold away the Frenchmen. This is plainly written, and I desire your lordship's plain answer, for in truth and plainness largest continues gud friendship, quhilk in this matter I pray God may lang continue, and have your lordships in his keeping. Off Dumfreis, the 3^d day of September 1568.

Your lordships at my power
to command leifully

H E R R I S.

Queen Mary to Q. Elizabeth ¹¹.

MADAME ma bonne sœur. J'ay receu de vos lettres, d'une mesme date; l'une, ou vous faites mention de l'excuse de Monsr. de Murra pour tenir son pretendu parlement, qui me semble bien froid, pour obtenir plus de tollerance que je m'estois persuadée n'avoir par vostre promesse, quant a n'offer donner commission de venir sans un parlement pour leur peu de nombre de noblesse alors, je vous respons, qu'ils

¹¹ 1568. Cott. Lib. Cal. 1. An Original.

n'ont que trois ou quatre d'avantage, qui eussent aussi bien dit leur opinion hors de parlement, qui n'a esté tenu tant pour cette effect, mais pour faire ce qu'expressemement nous avions requis estre empeschés, qui est la forfalture de mes subjects pour m'avoir estés fidelles, ce que je nt'affurois, jusques a heir, avoir eu en promesse de vous, par la lettre ecrite a mi lord Scrup e Maistre Knoleis vous induire a ire contre eux, voire; a les ensayre resentir; toutefois je vois que je l'ay mal pris, j'en suis plus marie, pour ce que sur votre lettre qu'ils me montrerent, et leur parole, je l'ay si divulgurement assuray que pour vengeance que j'en desirasse, si non mettre difference entre leur faux deportemens, & les miens sinceres. Dans vostre lettre aussi dateé du 10^{me} d'Aoult, vous metties ces mots. "I think your adverse party, upon my sundry former advices, will hold no parliament at all; and if they do, it shall be only in form of an assembly, to accord whom to send into this realm, and in what sort; for otherwise, if they shall proceed in manner of a parliament, with any act of judgment against any person, I shall not, in any wise, allow thereof; and if they shall be so overseen, then you may think the same to be of no other moment, than the former procedures; and by such their rash manner of proceeding, they shall most prejudice themselves; and be assured to find me ready to condemn them, in their doings." Sur quoy, j'ay contremandé mes serviteurs, les faissant retirer, souffrant selon vostre commandement d'être faussement nommés traîtres, par ceulx, qui le font de vray; & encore d'etre provoqués par escarmons dies, & par prises de mes gens & lettres, & au contraire vous etes informée que mes subjects ont evahis les vostres, Madame, qui a fait ce rapport n'est pas homme de bien, car laird de Sesford & son fils sont & ont estes mes rebelles depuis le commencement; enquirés vous, s'ils n'estoient a Donfris aveques eulx, j'avois offri respondre de sa frontiere, ce qui me fut refusé, ce qui me devroit asses descharger, neanmoins, pour vous faire preuve de ma fidelité, et de leur falsité, s'il vous me fayte donner le nom des coupables,

& me fortifier, je commanderay mes subiects les poursuivre, ou si vous voulez que ce soit les vostres, les miens leur ayderont; je vous prie m'en mander vostre volonté, au reste mes subiects fidelles seront responsables a tout ce que leur sera mis su les contre vous, ni les vostres, ni les rebelles, despuis que me conseillates les faire retirer. Quant aux François, j'escrivis que l'on n'en fit nulle poursuite, car j'espérois tant en vous, que je n'en aurois besoign,—je ne sceu si le dict aura en mes lettres, mais je vous jure devant Dieu que ne sçay chose du monde de leur venue, que ce que m'en aves manday, ni n'en ai oui de France mot du monde, & ne le puis croire pour cest occasion, et si ils si font, c'est sans mon sceu ni consentement, Pourquoy je vous supplie ne me condamner sans m'ouire, car je suis prest de tenir tout ce que j'ay offert a Meſter Knoleis, & vous assure que votre amitié, qu'il vous pleſt m'offrir, ſera ſauve avant toutes les choses du monde, quant France ſervit la pour preſſer leur retour a cete condition, que prenies mes affaires en mein, en ſœur, & bonne amie, comme ma Francé eſt en vous; mais une chose ſeule me rende confufe, j'ay tant d'enemis qu'ont votre oreille, laquelle ne pouvant avoir par parole, toutes mes actions vous font desguisées, & faſlement rapportées, par quoi il m'eſt impossible de m'assurer de vous, pour les manteries qu'on vous a fait, pour deſtruire vostre bonne volonté de moy; par quoi je deſirerois bien avoir ce bien vous faire entendre ma ſincere & bonne affection, laquelle je ne puis ſi bien deſcrire, que mes enemis a tort ne la decoloré. Ma bonne ſœur, gagnes moy, envoyés moy querir, n'entrés en jalouſie pour faulx raports de celle que ne deſire que votre bonne grace; je me remettray ſur Meſter Knoleis a qui je me ſuis librement deſcouverte, & apres vous avoir baſée les mains, je prierai Dieu vous donner en santé, longue & heureufe vie. De Boton, ou je vous promets, je n'espere pertir, qu'aveques vostre bonne grace, quoique les menteurs men-tent. Ce 26 d'Aouſt.

N^o. XV. (Vol. II. p. 137.)

Queen Elizabeth to the Earl Murray ^{**}.

RIIGHT trusty and right well beloved cousin, we greet you well. Where we hear say, that certain reports are made in sundry parts of Scotland, that whatsoever shoul fall out now upon the hearing of the Queen of Scotts cause, in any proof to convince or to acquit the said Queen concerning the horrible murder of her late husband our cousin, we have determined to restore her to her kingdom and government, we do so much mislike hereof, as we cannot indure the same to receive any credit: and therefore we have thought good to assure you, that the same is untruly devised by the authors to our dishonour. For as we have been always certified from our said sister, both by her letters and messages, that she is by no means guilty or participant of that murder, which we wish to be true, so surely if she should be found justly to be guilty thereof as hath been reported of her, whereof we would be very sorry, then, indeed, it should behove us to consider otherwise of her cause than to satisfy her desire in restitution of her to the government of that Kingdom. And so we would have you and all others think, that should be disposed to conceive honourably of us and our actions.

Indorsed 20 Sept. 1568.

N^o. XVI. (Vol. II. p. 144.)

Sir Francis Knollys to Cecil, the 9th of October
1568, from York ^{**}.

—**M**Y lord's grace of Norfolk sending for me to Bolton, to attend upon him here Thursday last, I made my

^{**} Paper Office. From a copy corrected by secretary Cecil.

^{**} An Original. Paper-Office.

repalt hither accordingly, meaning to stay here until Monday next; as touching the matters of the commission, that his grace and the rest have from her highness, his grace hath imparted unto me of all things thereunto appertaining, and what hath hitherto passed, and altho' the matters be too weighty for my weak capacity, to presume to utter any opinion of mine own thereof, yet I see that my lord Herris, for his parte laboureth a reconciliation, to be had without the extremity of odious accusations; my lord of Ledington also faith to me, that he could wish these matters to be ended in dulce maner, so that it might be done with safetie; of the rest you can conceive, by the advertisements and writings, sent up by our commissioners.

A letter from the bishop of Ross to the Queen of
Scots, from York, October 1568 **.

PLEIS your majesty I conferred at length with A. ane great part of a night, who assurit me that he had reasoned with B. this Saturday C. on the field, who determinate to him that it was the D. determinit purpose not to end your cause at this time, but to hold the same in suspence, and did that was in her power, to make the E. pursue extremity, to the effect F. and his adherents might utter all they could to your dishonour, to the effect to cause you come in disdain with the halfe subjects of this realm, that ye may be the mair unable to attempt any thing to her disadvantage. And to this effect is all her intention, and when they have produced all they can against you, D. will not appoint the matter instantly, but transport you up in the country, and retain you there till she think time to shew you favour, which is not likely to be hastily, because of your uncles in France, and the fear she has of yourself to be her unfriend. And therefore their counsel is, that ye write an writing to the D.

** Cott. lib. Calig. C. 1. a copy.

meaning that ye are informit that your subjects which has offendit you. — This in effect that your majesty hearing the estate of your affairs as they proceed in York, was informed that her majesty was informed of you, that you could not gudely remit your subjects in such fort as they might credit you hereafter, which was a great cause of the stay of this controversy to be ended. And therefore persuading her D. effectually not to trust any who had made such narration. But like as ye had rendered you in her hands, as most tender to you of any living, so prayit her take na opinion of you, but that ye wald use her counsell in all your affairs, and wald prefer her friendship to all others, as well uncles as others, and assure her to keep that thing ye wald promise to your subjects by her advice. And if D. discredit you, ye wald be glad to satisfy her in that point be removing within her realm in secret and quiet manner, where her G. pleased, until the time her G. were fully satisfied, and all occasion of discredit removed from her. So that in the mean time your realm were holden in quietnes, and your true subjects restored and maintained in their own estate, and sic other things tending to this effect. And affirms that they believe that this may be occasion to cause her credit you that ye offer so far; and it may come that within two or three months she may become better-minded to your grace, for now she is not well minded, and will not shew you any pleasure for the causes foresaid.

N. B. The title of this paper is in Cecil's hand; the following key is added in another hand.

- A. The laird of Lethington.
- B. The Duke of Norfolk.
- C. Was the day he rode to Cawood.
- D. The Queen of England.
- E. The Queen of Scots commissioners.
- F. The earl of Murray.

N^o. XVII. (Vol. II. p. 156.)

Deliberation of Secretary Cecil's concerning Scotland, Dec. 21. 1568 ²⁷.

THE best way for England, but not the easiest, that the Queen of Scots might remain deprived of her crown, and the state continue as it is.

The second way for England profitable, and not so hard. — That the Queen of Scots might be induced, by some persuasions, to agree that her son might continue king, because he is crowned, and herself to remain also Queen; and that the government of the realm might be committed to such persons as the Queen of England should name, so as for the nomination of them it might be ordered, that a convenient number of persons of Scotland should be first named to the Queen of England, indifferently for the Queen of Scots, and for her son, that is to say the one half by the Queen of Scots, and the other by the earle of Lenox and lady Lenox, parents to the child; and out of those, the Queen's majesty of England to make choice for all the officers of the realm, that are, by the law of Scotland, disposable by the king or Queen of the land.

That until this may be done by the Queen's majesty, the government remain in the hands of the earle of Murray as it is, providing he shall not dispose of any offices or perpetualls to continue any longer but to these offered of the premises.

That a parliament be summoned in Scotland by several commandments, both of the Queen of Scots and of the young king.

— That hostages be delivered unto England on the young king's behalf, to the number of twelve persons of the earle of Murray's part as the Queen of Scots shall

²⁷ Paper-Office.

name; and likewise on the Queen's behalf to the like number as the earle of Murray shall name; the same not to be any that have by inheritance or office cause to be in this parliament, to remain from the beginning of the summons of that parliament, until three months after that parliament; which hostages shall be pledges, that the friends of either part shall keep the peace in all cases, till by this parliament it be concluded, that the ordinance which the Queen of England shall devise for the government of the realm (being not to the hurt of the crown of Scotland, nor contrary to the laws of Scotland for any man's inheritance, as the same was before the parliament at Edin. the Decem. 1567) shall be established to be kept and obeyed, under pain of high treason for the breakers thereof.

— That by the same parliament also be established all executions and judgments given against any person for the death of the late king.

— That by the same parliament, a remission be made universally from the Queen of Scots to any her contraries, and also from every one subject to another, saving that restitution be made of lands and houses, and all other things heritable, that have been by either side taken from them which were the owners thereof at the committing of the Queen of Scots to Lochlevin.

That by the same parliament it be declared who shall be successors to the crown next after the Q. of Scots and her issue; or else, that such right of the D. of Chatelhault had, at the marriage of the Q. of Scots with the lord Darnley, may be conserved and not prejudiced.

That the Queen of Scots may have leave of the Queen's majesty of England, twelve months after the said parliament, and that she shall not depart out of England, without special licence of the Queen's majesty.

That the young king shall be nourished and brought up in England, till he be years of age.

It is to be considered, that in this cause the composition between the Queen and her subjects may be made with certain articles, outwardly to be seen to the world for her

honour, as though all the parts should come of her, and yet for the surety of contrarys, that certain betwixt her and the Queen's majesty are to be concluded.

N^o. XVIII. (Vol. II. p. 159.)

The Queen to Sir Francis Knolleys, 22 Jan.
1568-9^{**}.

WE greet you well, we mean not, at this point, by any writing, to renew that which it hath pleased God to make grievous to us and sorryfull to yow; but forbearing the same as unmeet at this point, having occasion to command you in our service, and yow also whilst you are to serve us. We require yow to consider of this that followeth with like consideration and diligence, as hitherto yow have accustomed in our servise; at the time of our last letters written to yow the fourteenth of this month for removing of the Queen of Scots, we had understanding out of Scotland of certain writings sent by her from thence into Scotland, amongst the which one is found to contain great and manifest untruths touching us and others also, as shall and may plainly appear unto yow by the copy of the same, which likewise we send yow, and because at the same time we were advertised, that it should be shortly proclaimed in Scotland, though then it was not, we thought good first to remove the Queen, before we would disclose the same, and then expect the issue thereof; and now, this day, by letters from our cousin of Hunsdon we are ascertained, that since that time the same matters contained in the writings, are published in diverse parts of Scotland, whereupon we have thought it very meet, for the discharge of our honour, and to confound the falsehood contained in that writing, not only to have the same reproved by open proclamation upon our frontiers, the copy whereof we do herewith send yow,

** Paper-Office.

but also in convenient sort to charge that Queen therewith, so as she may be moved to declare the authors thereof, and persuaders of her to write in such slanderous sort such untruths of us ; and in the mean season, we have here stayed her commissioners, knowing no other whom we may more probably presume to be parties hereto, than they, until , the Queen shall name some other , and acquit them ; who being generally charged, without expressing to them any particularity , do use all manner of speeches to discharge themselves ; wherefore our pleasure is , that ye shall , after ye have well perused the copy of this writing sent to you, speedily declare unto her , that we have good understanding given us of diverse letters and writings, sent by her into Scotland , signed by her own hand , amongst which , one such writing is sent with her commandment exprefly as now it is already published , as we are much troubled in mind that a princess as she is having a cause in our hands so implicated with difficultys and calamitys, should either conceive in her own mind , or allow of them that should devise such false , untrue , and improbable matters against us , and our honor , and specially to have the aventure to have the same being known so untrue to be published . and you shall also say , because we will not think so ill of her , as that it should proceed of her self , but rather she hath been counfelled thereunto , or by abuse made to think some part thereof to be true , we require her , even as she may look for ony favour at our hands , that she will disburden herself as much as truly she may herein , and name them which have been the authors and perfwaders thereof , and so she shall make as great amends to us as the case may require ; after you have thus far proceeded , and had some answer of her , whether she shall deny the writing absolutely , or name any that have been the advisers thereof, you shall say unto her that we have stayed her commissioners here , until we may have some answer thereof, because we cannot but impute to them some part of this evil dealing , until by her answer the authors may be known ; and as soon as you can have direct answers

from

from her, we pray you to return us the same; for as the case standeth, we cannot but be much disquieted with it, having our honour so deeply touched contrary to any intention in us, and for any thing we know in our judgment the earl of Murray and others named in the same writing void of thought for the matters, to them therein imputed; you may impart to the Queen of Scots either the contents of the slanderous letter, or shew her the copy to read it, and you may also impart this matter to the lord Scroop, to join with you there as you shall think meet.

Sir Francis Knolleys to Queen Elizabeth, from Wetherby, the 28th January 1568 **.

—**I** WILL suppress my own griefs, and pass them over with silence, for the present learning of your majesty — and for this Queen's answer to the copie of her supposed letter sent unto Scotland, I must add this unto my brother's letter, sent unto Mr. Secretary yesternight late; in proceſſ of time she did not deny but that the first lines contained in the same copie, was agreeable to a letter that she had sent unto Scotland, which touched my lord of Murray's promise to deliver her son into your majesty's hands, and to avoid that the same should not be done without her consent, made her, she saith, to write in that behalf; she saith alſo that she wrote that they ſhould cause a proclamation to be made to stir her people to defend my lord of Murray's intent and purpose, for delivering of her ſaid ſon, and impugne his rebellious government, as ſhe termed it, but ſhe utterly denyeth to have written any of the other slanderous part of the ſaid letter touching your majesty; ſhe ſaid alſo, that ſhe ſuspected that a Frenchman, now in Scotland, might be the author of ſome Scotch letters devised in her name, but ſhe would not allow me to write this for any part of her answer.

** An Original Paper Office.

N^o. XIX. (Vol. II. p. 168.)

Sir Nicholas Throkmorton to the right honourable the Lord of Liddington".

YOUR letter of the 3d of July, I have received the 15th of the same. For answer whereunto you shall understand, that friends here to my lord regent and you do wish such a concurrence in all doings, as in matter and circumstances there arise no dissension, or at the least, no more nor other than the difference of countries doth necessarily require. We here do think convenient that as few delays be used as may be, for the consummation of the matter in hand, which principally to advance, your allowance, prosecution, and speedy promotion in Scotland, is most requisite, for you are so wise, and well acquainted with the state of the world, and with all our humours, as you know that some do allow and disallow for reason, some for respect of multitude, some for respect of persons, and so the cause is to go forward as men do like to set it forward. You are not to seek that some will use cautions, some neutrality, some delays, and some will plainly impugne it. And yet all and every of these sorts will alter their doings, when they shall see the regent and his favourers accord with the best and greatest part there, and agree with the wisest and strongest party here. Tho' the matter has taken its beginning here, upon deep and weighty considerations, for the weal of both the princes and their realms, as well presently, as in time to come, yet it is thought most expedient, that the regent and realm of Scotland, by you, should propose the matter to the Queen our sovereign, if you like to use convenience, good order, or be disposed to leave but a scar, and no wound of the hurts past. I would be glad that this my letter should come to your hands before the convention, whereat it seems your

¹⁰ 20th of July 1569. From the Original.

Queen's restoration and marriage to the duke of Norfolk should be propounded, either to wynne in them both allowance or rejection. To which proceedings, because you pray me to write frankly, I say and reason thus, methinketh you use a preposterous order, to demand the consent of such persons, in such matters, as their minds to a good end hath rather been felt or prepared, and therefore there must needs follow either a universal refusal or factious division amongst you, whereby a blustering intelligence must needs come to Queen Elizabeth of the intended marriage from thence, which ought to have been secretly and advisedly propounded unto her highness; hereby you see then the meaning is, by this dealing, her majesty shall be made inexorable and so bring the matter to such passe, as this which should have wrought surety, quietness, and a stay to both Queens and their realms, shall augment your calamity, and throw us your best friends into divorce with you, and into unhappy division amongst ourselves; for you may not conjecture that the matter is now in deliberation, but expecteth good occasion for executing; sure I am you do not judge so flenderly of the managing of this matter, as to think we have not cast the worst, or to enter therein so far without the assistance of the nobility, the ablest, the wisest, and the mightiest of this realm except Queen Elizabeth: from whom it hath been concealed till you, as the fitteſt minister, might propound it to her on the behalf of the regent, and the nobility of Scotland. How far master Woddes defamations do carry them of Queen Elizabeth's affections, and master secretary's, to assist the regent and to suppress the Queen of Scotts, I know not, nor is it not material; but I do assuredly think, that her majesty will prefer her surety, the tranquillity of her reign, and the conservation of her people, before any device, which may proceed from vain discourse, or imperfections of passions, and inconsiderate affections. And as for Mr. Secretary, you are not to learn, that as he liketh not go too fast afore, so he coveteth not to tarry too far behind, and specially when the reliques be of no great value or power.

If I could as well assure you of his magnanimity, and constancy, as of his present conformity, I would say confidently, you may repose as well of him in this matter, as of the duke of Norfolk, the earls of Arundel, Pembroke, Leicester, Bedford, Shrewsbury, and the rest of the nobility; all which do embrace and proteste the accomplishment of this case. I have, according to your advice, written presently to my lord Regent, with the same zeal and care of his well doing that I owe to him, whom I love and honour. Mr. Secretary hath assured unto him the Queen of Scotland's favour of good opinion, wherewith he seemeth to be well satisfy'd. If your credit be, as I trust, hasten your coming hither, for it is very necessary that you were here presently. Q. Elizabeth both doth write to my lord Regent in such sort, as he may perceive Mr. Wood's discourses of her majesty's affection to be vain, and Mr. Secretary otherwise bent than he conjectureth of him, the effect of which her majesty's letter you shall understand, by my lord Leicester's letter unto you at this dispatch. At the court, 20th July 1569.

N^o. XX. (Vol. II. p. 170.)

Part of a letter from the earl of Murray to L. B.
*probably Lord Burleigh*¹¹.

— BECAUSE I see that great advantage is taken on small occasions, and that the mention of the marriage betwixt the Queen my sovereign's mother, and the D. of Norfolk hath this while past been very frequent in both the realms, and then I myself to be spoken of as a motioner, which I perceive is at the last come to her majesty's ears; I will, for satisfaction of her highness, and the discharge of my duty towards her majesty, manifest unto you my interest, and meddling in that matter,

¹¹ 1569. Harl. Lib. 37. B. 9. to 42.

from the very beginning, knowing whatsoever is prejudicial to her highness, cannot but be hurtful to the king my sovereign, this his realm, and me. What conferences was betwixt the duke of Norfolk, and any of them that were with me within the realm of England, I am not able to declare; but I am no wise forgetful of any thing that passed betwixt him and me, either at that time, or since. And to the end her Majesty may understand how I have been dealt with, in this matter, I am compelled to touch some circumstances, before there was any mention of her marriage. In York, at the meeting of all the commissioners, I found very—and neutral dealing with the duke, and others her highness's commissioners in the beginning of the cause, as in the making of the others to proceed sincerely, and so furth. During which time, entered into general speech, sticking at our just defence in the matters that were objected against us, by the said Queen's commissioners, looking certainly for no other thing, but summary cognition in the cause of controversy, with a final declaration to have followed. Upon a certain day the lord Lithington secretary rode with the duke to Howard, what purpose they had I cannot say, but that night Lithington returning, and entering in conference with me upon the state of our action, I was advised by him to pass to the duke, and require familiar conference, by the which I might have some feeling to what issue our matters would tend. According to which advice, having gotten time and place convenient in the gallery of the house where the duke was lodged, after renewing of our first acquaintance made at Berwick, the time before the assize of Leith, and some speeches passed betwixt us; he began to say to me, how he in England had favour and credit, and I in Scotland had will and friendship of many, it was to be thought there could be none more fit instruments, to travel for the continuance of the amity betwixt the realms, than we two. And so that discourse upon the present state of both, and how I was entered in that action tending so far to the Queen's dishonour, I was willed by him to consider how matters

stood in this, what honour I had received of the Queen, and what inconveniences her defamation in the matters laid to her charge might breed to her posterity. Her respect was not little to the crown of England, there was but one heir. The Hamiltons my unfriends, had the next respect, and that I should esteem the issue of her body would be the more affectionate to me and mine, than any other that could attain to that crown. And so it should be meetest, that she affirmed her dimission made in Lochlevin, and we to abstract the letters of her hand write, that she should not be defamed in England. My reply to that was, how the matter had passed in parliament, and the letters seen of many, so that the abstracting of the same could not then secure her to any purpose, and yet should we, in that doing, bring the ignominy upon us. Affirming it would not be fair for us that way to proceed, seeing the Queen's majesty of England was not made privy to the matter as she ought to be, in respect we were purposely come in England for that end, and for the — of the grants of our cause. The duke's answer was, he would take in hand to handle matters well enough at the court. After this, on the occasion of certain articles, that were required to be resolved on, before we entered on the declaration of the very ground of our action, we came up to the court; where some new commissioners were adjoined to the former, and the hearing of the matter ordained to be in the parliament-house at Westminster, in presence of which commissioners of the said Queen, and — through the — rebuking of the Queen of England's own commissioners, we uttered the whole of the action, and produced such evidences, letters, and probations, as we had, which might move the Queen's majesty to think well of our cause. Whereupon expecting her highness declaration, and seeing no great likelihood of the same to be suddenly given, but daily motions then made to come to an accord with the said Queen, our matters in hand in Scotland, in the mean season, standing in hazard and danger, we were put to the uttermost point of our wit, to imagine whereunto the matters

would tend, tho' albeit we had left nothing undone for justification of our causes, yet appeared no end, but continual motions made to come to some accord with the Queen, and restore her to whole or half reign. I had no other answer to give them, but that I should neither do against conscience or honour in that matter. Notwithstanding seeing this my plain answer wrought no end, nor dispatch to us, and that I was informed that the duke began to mislike of me, and to speak of me, as that I had reported of the said Queen irreverently, calling her ——¹¹ and murderer; I was advised to pass to him, and give him good words and to purge myself of the things objected to me, that I should not open the sudden entry of his evil grace, nor have him to our enemy —— considering his greatness. It being therewithal whispered, and shewed to me, that if I departed, he standing discontented and not satisfied, I might peradventure find such trouble in my way, as my throat might be cut before I came to Berrick. And therefore since it might well enough appear to her marriage, I should not put him in utter despair, that my good will could not be had therein. So few days before my departing I came to the park in Hampton court, where the duke and I met together, and there I declared unto him, that it was come to my ears, how some mis-report should be made of me to him, as that I should speak irreverently and rashly of the said Queen my sovereign's mother, such words as before expressed, that he might ——¹² thereby my affections to be so alienate from her, as that I could not love her, nor be content of her preferment, howbeit he might persuade himself of the contrary, for as she once was the person in the world that I loved best, having that honour to be so near unto her, and having received such advancement and honour by her, I was not so ungrate or so unnatural ever to wish her body harm, or to speak of her as was untruly reported of me, (howsoever the truth was in the self) and as to the

¹¹ Probably adulterer.

¹² Probably suspect.

preservation of her son, now my sovereign, had moved me to enter into this cause, and that her own pressing was the occasion of that was uttered to her — “whosoever God should move her heart to repent of her bypast behaviour and life, and after her known repentance, that she should be separate from that ungodly and unlawful marriage that she was entered in, and then after were joined with such a godly and honourable a personage, as were affectioned to the true religion, and whom we might trust, I could find in my heart to love her, and to shew her as great pleasure, favour, and good will, as ever I did in my life; and in case, he should be that personage, there was none whom I could better like of, the Queen — in — of England being made privy to the matter, and she allowing thereof, which being done, I should labour in all things that I could, to her honour and pleasure, that were not prejudicial to the king my sovereign’s estate, and prayed him not to think otherwise of me, for my affection was rather buried and hidden within me, awaiting until God should direct her to know herself, that utterly alienated and abstracted from her; which he seem’d to accept in very good part, saying, Earl of Murray thou thinks of me that thing, whereunto I will make none in England or Scotland privy, and thou hast Norfolk’s life in thy hands. So departing, I came to my lodging, and by the way and all night, I was in continual thought and agitation of mind, how to behave myself in that weighty matter; first, imagining whereunto this should tend, if it were attempted without the Queen’s majesty of England’s knowledge and good will, this realm and I myself in particular having received such favour and comfort at her highness’s hands, and this whole isle such peace and quietness, since God possessed her majesty with her crown. And on the other part, seeing the duke had disclosed him to me, protesting, none other were or should be privy to our speech, I tho’t I could not find in my heart to utter any thing that might endanger him; moved to the uttermost

¹⁴ Probably dishonour.

with these cogitations, and all desire of sleep then removed, I prayed God to send me some good relief and outgate, to my discharge, and satisfaction of my troubled mind, which I found indeed; for upon the morn, or within a day or two thereafter, I entered in conversation with my lord of Leicester, in his chamber at the court, where he began to find strange with me, that in the matter I made so difficult to him, standing so precisely on conference, and how when I had in my communication with the duke, come so far —³⁵ and there he made some discourse with me, about that which was talke betwixt us, I perceiving that the duke had — the matter to my lord of Leicester, and thinking me thereby discharged at the duke's hands, therefore I repeated the same communication in every point to my lord of Leicester, who desired me to shew the same to the Queen's majesty, which I refused to do, willing him if he tho't it might import her highness any thing, that he as one — by her majesty, and for many benefits received at her highness's hands is obliged to wish her well, should make declaration of the same to her majesty, as I understand by some speech of her highness to me, he did. This my declaration to the duke was the only cause, that staid the violence and trouble prepared for me unexecuted, as I have divers ways understood. The same declaration I was obliged to renew since in writings of — sent to my servant John Wood. The sum whereof, I trust, he shewed the duke, and something also I wrote to himself, for it was tho't this should redeem some time, that the duke should not suddenly declare him our enemy, for his greatness was oft laid before me, and what friendship he had of the chief of the nobility in England, so that it might appear to the Queen's majesty of England — so cold towards us, and doing nothing publickly that might seem favourable for us, we had some cause to suspect that her highness should not be contrarious to the marriage when it should be proposed to her. The sharp message sent by her majesty with the lord

³⁵ Probably disclosed.

Boyd, who had the like commission from the duke tending so far to the said Queen's preferment, as it were proposing one manner of conditions from both, gave us to think that her highness had been foreseen in the duke's design, and that she might be induced to allow thereof. But howbeit it was devised in England, that the lord of Lethington should come as from me, and break the matter to her highness, as her majesty in a letter declared that she looked for his coming, yet that devise proceeded never of me, nor the noblemen at the convention could nowise accord to his sending, nor allow of the matter motioned, but altogether misliked it, as bringing with the same great inconveniences to the surety and quietnes of this whole isle; for our proceedings have declared our misliking and disallowance of the purpose from the beginning, and if we had pleased he was ready for the journey. And in likewise it was devised to give consent, that the — " between the said Queen and Bothwell, should be suffered to proceed in this realm, as it was desired by the said lord Boyd, by reason we could not understand what was the Queen's majesty's pleasure, and allowance in that behalf — And whereas ye mean, that her highness was not made privy of any such intention, the fault was not in me. The first motion being declared, as I have written, to my lord of Leicester, and by him imparted to her majesty, so far as I could perceived by some speech of her highness's to me, before my departing. Thus I have plainly declared how I have been dealt withal for this marriage, and how just necessity move me not to require directly, that which the duke appeared so — unto. And for my threatnings, to assent to the same, I have expressed the manner; the persons that laid the matter before me, were of my own company. But the duke since hath spoken, that it was his writing which saved my life at that time. In conclusion I pray you persuade her majesty, that she let no speeches nor any other thing passed and objected to my prejudice, move her majesty to alter her favour — towards me, or any ways to doubt of my assured

^{**} Probably divorce.

constancy towards her highness, for in any thing which may tend to her honour and surety, I will, while I live, bestow myself, and all that will do for me, notwithstanding my hazard or danger, as proof should declare, when her majesty finds time to employ me.

N^o. XXI. (Vol. II. p. 182.)

William Maitland of Ledington, to my lord of Leicester, March 20th, 1570, from Ledington ¹⁷.

THE great desolation threatened to this whole realm, by the divisions thereof in dangerous factions, doth press me to frame my letters to your lordship, in other sort, than were behovefull for me, if I had no other respect, but only to maintain my private credit; therefore I am driven to furnish them with matter, which I know not to be plausible, whereupon by misconstruing my meaning, some there may take occasion of offence, thinking that I rather utter my own passions, than go about to inform your lordship truly of the state; but I trust my plain dealing shall bear record to the sincerity of my meaning; to make the same sensible, I will lay before your lordship's eyes, the plat of this country; which first is divided into two factions, the one pretending the maintenance of the king's reign, the other alledging the Queen to have been cruelly dealt withall, and unjustly deprived of her state; the former is composed of a good number of nobility, gentlemen, and principal burroughs of the realme, who shall have, as Mr. Randolph beareth us in hand, the Queen's majesty your sovereign's allowance and protection; the other hath in it some most principall of the nobility, and therewithall, good numbers of the inferior sort, throughout the whole realme, which also look assuredly that all kings do allow their quarrel and will aid them accordingly. What consequence this division

¹⁷ An Original.

will draw after it, I leave it to your lordships consideration; there is fallen out another division, accidentally, by my lord regent's death, which is like to change the state of the other two factions, to encrease the one, and diminish the other, which is grounded upon the regiment of the realm. Some number of noblemen aspire to the government, pretending right thereto by reason of the Queen's demission of the crown, and her commission granted at that time for the regiment during the king's minority; another faction doth altogether repine against that division, thinking it neither fit nor tolerable, that three or four of the meanest sort amongst the earls, shall presume to challenge to themselves a rule over the whole realme, the next of the blood, the first in rank, the greatest alway botht for the antientry of their houses, degree, and forces, being neglected; this order they think preposterous, that the meaner sort shall be placed in public function to command, and the greater shall continue as private men to obey; besides that, they think if the commission had in the beginning been valemable, (which the most part will not grant) yet can it not be extended to the present, for that the conditions thereunto annexed are ceased, and so the effect of the whole void; the latter part of this division hath many pretences, for besides the Queen's faction, which is wholly on that side, a great number of these that have heretofore professed the king's obedience, do favour the same, and will not yield to the government of the other, whose preferment for respects they mislike, when the Queen's faction shall be increased, with a part of the king's, and these not of least substance, and yow may judge what is like to ensue; an other incident is like to move men to enter in further discourses, it is given out here in Scotland that the Queen's majesty is setting forth some forces towards the border, which shall enter this realm, to countenance these, that aspire to the regiment, and suppress the contrary faction, and bruits are spread, that the same shall be here out of hand; these that think themselves of equal force with their contrary faction at home, are rather an overmatch to them,

yet not able to encounter with the forces of another prince, rather than yield to their inferiors, will, I fear, take advice of necessity, and evil councillors, and seek also the maintenance of some foreign prince, whereby her majesty (altho no further inconvenient were to be feared) must be driven to excessive charges, and it would appear there were a conspiracy of all the elements at one time to set us together by the ears, for now when the rumour of your forces coming towards the border is spread abroad, even at the same time is arrived at Dumbarton, a galzeon with a messenger sent exprefly from the king of France, to that part of the nobility that favours the Queen, to learn the state of the country, and what support they lack or desire, either for furtherance of her affairs, or for their own safety; assuredly this message will be well received, and suffered accordingly, this is the present state of Scotland. Now, if your lordship would also know my opinion, how to choice the best, as the case standeth; I will in that also satisfie your lordship, I am required from them to deal plainly, and your lordship shall judge whether I do so or not; for I think it plain dealing, when I simply utter my judgment, and go not about to disguise my intents. I trust the Queen's majesty hath a desire to retain at her devotion the realme of Scotland, which she hath gone about to purchase, with bestowing great charges, and the loss of some of her people; this desire is honourable for her highness, profitable for both the countrys, and of none to be disallowed; specially if it be (as I take it) to have the amity of the whole realme, for it is not a portion of Scotland can serve her turn, nor will it prove commodious for her to suit the friendship of a faction of Scotland, for in so doing, in gaining the best, she may lose the more, and the same would bring all her actions with us in suspicion, if she should go about to nourish factions amongst us, which meaning I am sure never entered into her majesty's heart; then if it be the friendship of the whole she doth demand, let her not, for pleasure of one part, go about to overthrow the remnant, which will not be so

faifable, as fome may give her to understand; but rather, by way of treaty, let her go about to pacify the whole state, bring the parties to an accord, reduce us all by good means to an uniformity, so shall she give us all occasion to think well of her doings, that she tendeth our wealth, and provokes us universally to wish unto her majesty a most prosperous continuance; by the contrary, if, for the pleasure of a few, she will send forces to suppress these whom they mislike, and so consequently offend many; men be not so faint hearted, but they have courage to provide for their own safety, and not only will embrace the means partly offered, but will also procure further, at the hand of other princes. This for mine own part, I do abhor, and protest I desire never to see forces of strangers to set foot within this land, yet I know not what point necessity may drive men into; as if men in the middle of the sea were in a ship, which suddenly should be set on fire, the fear of burning would make them leap into the sea, and soon after the fear of the water would drive them to cleive again to the fired ship, so for avoiding present evil, men will many times be inforced to have recourse to another, no less dangerous. Trust me forces will not bring forth any good fruit to her majesty's behove, it must be fome way of treaty shall serve the turn, wherein by my former letters your lordship doth know already what is my judgment; you fee how plainly I do write, without conſideration in what part my letters may be taken, yet my hope is that ſuch as will favourably interpret them, ſhall think that I mean as well to her majesty, and that realme, as thene that will utter other language. I wiſh the continuance of the amity betwixt the two countrys, without other respect, and will not conceal from her majesty any thing, to my knowledge, tending to the prejudice thereof; if I ſhall perceave her majesty taking frank dealings in evil part, I ſhall from thenceforth forbear; in the mean ſeason I will not ceafe to trouble your lordship, as I ſhall have occation to write, and ſo I take my leave of your lordship.

N^o. XXII. (Vol. II. p. 189.)

Letter of Queen Elizabeth to the earle of Susseks,
July 2d, 1570 **.

RIGHT trusty and well beloved cousin, we greet you well, this day we have received your letters of 28 the last month, with all other letters, sent from Scotland, and mentioned in your letters, whereunto answer is desired to be given before the tenth of this month; which is a very short time, the weightiness of the matters, and the distance of the places considered; nevertheless we have, as the shortness could suffer it, resolved to give this answer following, which we will that yow, by warrant hereof shall cause to be given in our name to the earl of Lenox and the rest of the noblemen conveened with him. Where it is by them, in their letters, and writings alledged, that for lack of our resolute answer, concerning the establishing of the regiment of the realm, under their young king, great inconveniences have happened, and therefore they have deferred now at their last convention to determine of the famine, who shall have the place of governour, until the 21st this month, before which time they require to have our advise, in what person or persons the government of that realme shall be established, we accept very thankfully the good will and reputation they have of us, in yielding so frankly to require and follow our advise in a matter, that toucheth the state of their king, their selves, and realm so near, wherein as we perceive, that by our former forbearing to intermeddle therein, they have taken some discomfort, as though that we would not have regard to their state and surety, so on the other part, they of their wisdoms ought to think, that it might be by the whole world evil interpreted in us to appoint them a form of government, or a governour by name, for that howso-

** Calderw. MS. Hilary, vol. 2. p. 189.

ever we should mean well if we should do so, yet it could not be without some jealousy in the heads of the estate, nobility, and community of that realm, that the government thereof should be by me specially named, and ordained; so as finding difficulty on both parts, and yet misliking most that they should take any discomfort by our forbearing to show our mind therein, we have thought in this sort to proceed, considering with ourselves how now that realm had been a good space of time ruled in the name of their king, and by reason of his base age, governed heretofore by a very careful and honourable person, the earle of Murray, untill that by a mischievous person, (an evil example) he was murdered, whereby great disorder and confusion of necessity had, and will more follow, if determination be not made of some other special person, or persons, to take the charge of governor, or superior ruler, speciall for administration of law and justice, we cannot but very well allow the desire of these lords to have some special governor to be chosen; and therefore being wel assured, that their own understanding of all others is best to consider the state of that realm, and to discern the abilities and qualities of every person meet and capable for such a charge, we shall better satisfie ourselves, whom they by their common consent shall first choose, and appoint to that purpose, then of any to be by us beforehand uncertainly named, and that because they shall perceave that we have care of the person of their king, who by nearness of blood, and in respect of his so young years, ought to be very tender and dear to us, we shall not hide our opinion from them, but if they shall all accord to name his grandfather, our cousin, the earl of Lenox to be governor alone, or jointly with others, (whom we hear to be in the mean time by their common consent appointed lieutenant-general) reale moveth us to think that none can be chosen in that whal realme, that shall more desire the preservation of the king, and be more meet to have the government for his safey, being next to him in blood of any nobleman of that realme, or elsewhere; and yet hereby, we do not mean to prescrive

to them this choice, except they shall of themselves fully and freely allow thereof; furthermore we would have them well assured, that whatsoever reports of devises, are, or shall be spread or invented, that we have already yielded our mind to alter the state of the king or government of that realme, the same are without just cause or ground by us given, for as we have already advertized them, that although we have yielded to hear, which in honour we could not refuse, what the Queen of Scotts on her part shall say and offer, not only for her own assurance, but for the wealth of that realm, yet not knowing what the same will be, that shall be offered, we mean not to break the order of law and justice, by advancing her cause, or prejudging her contrary, before we shall deliberately and assuredly see, upon the hearing of the whole, some place necessary, and just cause to do; and therefore finding that realme ruled by a king, and the same affirmed by laws of that realme, and thereof invested by coronation and other solemnities used and requisite and generally so received by the whole estates, we mean not by yielding to hear the complaints or informations of the Queen against her son, to do any act whereby to make conclusion of governments; but as we have found it, so to suffer the same to continue, yea not to suffer it to be altered by any means that we may impeshe, as to our honour it doth belong, as by your late actions hath manifestly appeared, untill by some justice; and clear cause, we shall be directly induced otherwise to declare our opinion; and this we would have them to know to be our determination and course that we mean to hold, whereon we trust they for their king may see how plainly and honourably we mean to proceed, and how little cause they have to doubt of us, whatsoever to the contrary they have or shall hear; and on the other part, we pray them of their wisdoms to think how unhonourable, and contrary to all human order it were for us, when the Queen of Scotland doth so many ways require to hear her cause, and doth offer to be ordered by us in the same, as well for matters betwixt ourselves and her,

as betwixt herself and her son and his party of that realme, against which offers no reason could move us to refuse to give ear, that we should aforehand openly and directly, before the causes be heard and considered, as it were, give a judgment or sentence either for ourselves or for them whom she maketh to be her contraries. Finally ye shall admonish them, that they do not, by misconceiving our good meaning towards them, or by indirect assertions of their adversary grounded on untruths, hinder or weaken their own cause, in such sort, that our good meaning towards them shall not take such effect towards them, as they shall desire, or themselves have need of. All this our answer ye shall cause be given them, and let them know, that for the shortness of time, this being the end of the second of this month, we neither could make any longer declaration of our mind, nor yet write any several letters, as if time might have served we would have done.
2 July, 1570.

N. XXIII. {Vol. II. p. 189.}

The bishop of Ross, to secretary Lidington from
Chattisworth ".

I HAVE received your letters dated the 26th of May, here at Chattisworth, the 10 of January, but on the receipt thereof I had written to you at length, like as the Queen did with my lord Levington, by the which you will be resolved of many points contained in your said letter. I writ to you that I received your letter and credit from Thomas Cowy at London, and sent to Leicester to know the Queen of England's mind whether you should come here or not. He sent me word, that she will no ways have you come as one of the commissioners, because she is yet offended with you; and therefore

" 15th June 1570.

appears good that ye come not hither, but remain where you are, to use your wisdom and diligence, as may best advance the Queen's affairs, for I perceive your weill and safety depends thereon, in respect of the great feid and ennimity born against you by your Scots people, and the great heirship taken of your father's landis; both were sure demonstrations of their malice. Yet I am encouraged by your stout and deliberate mind. Assure yourself no diligence shall be omitted to procure supports forth off all parts where it may be had. We will not refuse the aid neither of Papist, Jew, nor Gentil, after my advice; and to this end, during this treaty, let all things be well prepared. And seeing my lord Seaton is desirous to go into Flanders, the Queen thinks it very necessary that he so do, for the duke D'Alva has gotten express command of the king of Spain to give support, and I am sure that there he shall have aid both of Flanders and the popé, for it abides only on the coming of some men of countenance, to procure and receive the same. He must needs tarry there, on the preparations thereof, during the treaty, which will be a great furtherance to the same here. The Queen has already written to the duke D'Alva for this effect, advertizing of his coming; there is certain sums of money coming for support of the Englishmen, as I wrotē to you before from the pope. Whereupon I would he had a général commiission to deal for them, and receive such sums as shall be given. The means shall be found to cause you be ansuerit of the sums you writ for, to be dispoisit upon the furnishing of the castle of Edenburgh; so being, some honest and true man were sent to Flanders to receive it, as said is, which I would you prepared and sent. Orders shall be taken for the metals as you writ of. We have preponit your avyce in entering to treat with the Queen of England, for retiring of her forces puntyoally for lack of aid. Your answers to the Englishmen are tho't very good, but above all keep you weil out of their hands, in that case, estote prudentes sicut serpentes. You may take experience with the hard dealing with me, how ye

would be used if ye were here, and yet I am not forth of danger, being in medio nationis pravæ; always no fear, with God's grace, shall make me shrink from her majesty's service. Since the Queen of England has refused that you come here, it appears to me quod nondum est sedata militia amorem, &c. and therefore if Athol or Cachenes might by any means be procured to come, they were the most fit for the purpose, Rothes were also meet, if he and I were not both of one surname; so the treaty would get the less credit either in Scotland or here. Therefore avys, and send the best may serve the turn, and fail not Robert Melvil come with them, whoever comes, for so is the Queen's pleasure; in my last packet, with James Fogo, to you, in the beginning of May, I sent a letter of the Queen's own hand-writing to him, which I trust ye received. I am sorry ye come not for the great relief I hoped to have had by your presence, for you could well have handled the Queen of England, after her humour, as you were wont to do. The rest I refer to your good wisdom, praying God to send you health. From Chattifworth the 15th of January.

N^o. XXIV. (Vol. II. p. 211.)

The declaration of John Cais to the lords of Grange and Lethington zoungare upon the 8th day of Oct. 1571.

WHEREAS you desire to know the Queen's majesty's pleasure, what she will do for appeasing of these controversies, and therewith has offered yourselves to be at her commandment, touching the common tranquillity of the whole isle, and the amity of both realms; her pleasure is in this behalf, that ye should leave off the maintenance of this civil discord, and give your obedience to the king, whom she will maintain to the utmost of her power.

And in this doing, she will deal with the regent and the king's party, to receive you into favour, upon reasonable conditions for security of life and livings.

Also she says that the Queen of Scots, for that she has practised with the pope and other princes, and also with her own subjects in England, great and dangerous treasons against the state of her own country, and also to the destruction of her own person, that she shall never bear authority, nor have liberty while she lives.

If ye refuse these gentle offers, now offered unto you, she will presently aid the king's party, with men, ammunition, and all necessary things, to be had against you.

Whereupon her majesty requires your answer with speed, without any delay.

N^o. XXV. (Vol. II. p. 223.)

**Articles sent by Knox to the general Assembly
August 5th, 1572 .**

FIRST, desiring a new act to be made ratifying all things concerning the king and his obedience that were enacted of before without any change, and that the ministers who have contravened the former acts be corrected as accordeth.

That fute be made to the Regent's grace and nobility maintaining the king's cause, that whatsoever proceedeth in this treaty of peace they be mindful the kirk be not prejudg'd thereby, in any sort, and they especially of the ministers, that have been robbed of their possessions within the kirk, during the time of the troubles, or otherwise dung and injured, may be restored.

To fute at the regent, that no gift of any bishoprick or other benefice be given to any person, contrary to the tenor of the acts made in the time of the first regent of good memory, and they that are given contra the said acts,

* Calderw. MS. History, Vol. 2. 356.

or to any unqualified person, may be revoked and made null by an act of secret council, and that all bishopricks, so vacand may be presented, and qualified persons nominat thereunto, within a year after the vanning thereof, according to the order taken in Leith by the commissioners of the nobility and of the kirk in the month of January last, and in special to complain upon the giving of bishoprick of Ross to the lord Methven.

That no pentions of benefices, great or small, be given by simple donation of any lord regent, without consent of the possessor of the said benefices having title thereto, and the admission of the superintendent or commissioners of the province where this benefice lyeth; or of the bishops lawfully elected according to the said order taken at Leith; and desire an act of council to be made thereupon, until the next parliament, wherein the famine may be specially inacted, with inhibition to the lords of session to give any letters or decrets, upon such simple gifts of benefices or pentions not being given in manner above rehearsed, and that the kirk presently assembled declare all such gifts null so far as lyeth in their power.

That the first form of presentation to benefices, which were in the first and second regent's time, be not changed as now it is commonly; but that this clause be contained in the presentation, that if the persons presented make not residance, or be flanderous or found unworthy either in life or doctrine by the judgment of the kirk (to which alwise he shall be subiect) or meet to be transported to another room at the sight of the kirk, the faid presentation and all that shall fall thereupon shall be null and of no force nor effect; and this to have place also in the nomination of the bishops.

That an act be made in this assembly, that all things done in prejudice of the kirk's assumption of the third, either by papists or others, by giving of fews, liferents, or taks, or any otherwise disponing the said assumed thirds, be declared null with a solemn protestation, the whole kirk disafenteth thereto.

That an act be made decerning and ordaining all bishops, admitted to the order of the kirk now received, to give account of their whole rents, and intremissions therewith once in the year, as the kirk shall appoint, for such causes as the kirk may easily consider the same to be most expedient and necessar.

Anent the jurisdiction of the kirk, that the same be determined in this assembly, because this article hath been long postponed to make fute to the regent and council for remedy against messengers and excommunicate persons.

Last that orders be taken anent the procures of the kirk, who procure against ministers and ministry, and for putting of justice of the kirk's actions in the session.

N^o. XXVI. (Vol. II. p. 230.)

Declaration of Henry Killigrew, Esq; upon the
peace concluded the 23d Feb. 1572.

BE it known to all men, by these presents, that I Henry Killegrewe, Esq; ambassador for the Queen's majesty of England. Forasmuch as, at the earnest motion and solicitation being made to me, on her highness's behalf, there is an accord and pacification of the public troubles and civil war within this realm of Scotland agreed and concluded, and the same favourably extended towards the right honourable George earl of Huntly, lord Gordon and Baidzenuch, and the lord John Hamilton, son to the duke's Grace of Chastellarault, and commendatour of the abby of Abirbret-hock, for the surety of their lives, livings, honours, and goods of them, their kinsfolks, friends, servants, and partakers, now properly depending on them; in treating of the which faid pacification, the murders of the late earl of Murray uncle, and the earl of Levenax grandfather, late regent to the king's majesty of Scotland his realm and lieges, as also an article touching the discharge for the

fructis or moveable goods, which the said persons have taken fra personis professing the king's obedience, before the damages done or committed by them, since the 15th day of Junij, 1567, and before the penult day of July last by passed, by reason of the common cause or any thing depending thereupon, being thought by the king's commissaries matteris of such wecht and importance, as the king's present regent could not conveniently, of himself, remit or discharge the same. Yet in respect of the necessity of the present pacification, and for the weil of the king, and common quietness of this realm and lieges, it is accorded, that the matters of remission of the said murderers, and of the discharge of the said fructis, moveable goods, and other damages, be moved by the persons desiring the said remissions and discharge to the Queen's majesty my sovereign, as to the princess nearest both in blood and habitation to the king of Scots. And whatsoever her majesty shall advise and counsel touching the said remission and discharge, the said lord regent, for the weil of the king and universal quietness of the realm of Scotland, shall perform, observe, and fulfil the same. And in likewise, the said earl Huntly, and commendatour of Abirbrothock, being urged to have delivered pledges and hostages for observation of the conditions of the said accord and pacification, hath required me in place thereof, in her majesty's name, by virtue of my commission, to promise for them that they shall truly and faithfully observe and keep the said pacification, and all articles and conditions thereof; for their parts, and that it would please her majesty to interpose herself, as surety and cautioner for them to that effect, to the king's majesty of Scotland their sovereign and his said regent, which I have done and promise to do, by virtue of her majesty's commission, as by the honourable and plain dealing of the said earl and lord, their intention to peace well appears, the same being most agreeable to the mind of the Queen's majesty my sovereign, which so long by her ministers hath travelled for the said pacification, and in the end, at her motion and

solicitation, the same is accorded, knowing her majesty's desire, that the same may continue unviolate, and that the noblemen and others now returning to the king's obedience shall have sufficient surety for their lives, livings, honours and goods. Therefore in her majesty's name, and by virtue of my commission, I promise to the aforesaid earl Huntly and commendatour of Abirbrothock, that by her majesty's good means, the said remission and discharge shall be purchased and obtained to them, their kinsfolks, friends, servants, and partakers, now properly depending upon them (the persons specified in the first abstinence always excepted), as also that the said pacification shall be truly observed to them, and that her majesty shall interpose herself as conservatrix thereof, and endeavour herself to cause the same to be truly and sincerely kept in all points and articles thereof accordingly. In witness whereof, I have to this present subscribed with my hand, and sealed the same with mine own seal, the 13th day of Feb. Anno Domini 1572. And this to be performed by me, betwixt the date hereof, and the parliament which shall be appointed for their restitution, or at the furthest before the end of the said parliament. Sic subscribitur.

The bishop of Glasgow's note concerning the Queen of Scotland's dowry ^{**}.

THE Queen of Scotland, dowager of France, had for her dowry, besides other possessions, the dukedom of Tu-renne, which was solemnly contracted and given to her by the king and estates of parliament; which dukedom she possessed peacefully till 1567, and then, upon the pacification betwixt the king and Mons. his brother, to augment whose appenage this dutchy was given, to which the Queen of Scotland yielded upon account of princes, who were her near relations, provided the equivalent which was

^{**} 1576. Cott. Lib. Calig. E. 4.

promised her should be faithfully performed. So that year, after a great many solicitations, in lieu of that dutchy, she had granted her the county of Vermandaiso with the lands and bailiwicks of Seuley and Vetry; tho' 'tis known that county, and the other lands were not of equal value with Turene, but was promised to have an addition of lands in the neighbourhood to an equal value. Upon this letters-patent were granted, which were confirmed in the courts of parliament, chamber of accounts, court of aids, chamber of the treasury, and others necessary, upon which she entered into possession of that county, &c. Afterwards, by a valuation of the commissioners of the chamber of accounts, it was found that the revenue of that county, &c. did not amount to those of Turene, by 3000 livres. But instead of making up this deficiency according to justice, some of the privy council, viz. M. de Cheverney, the presidents of Bellievre, Nicocholay and St. Bonet, in the name of the king, notwithstanding of her aforesaid losses, did sell and alienate the lands of Senlis, and the dutchy of Estaimes, to Madam de Monpensier, from whom the king received^{*} money; of which sale the counsellors aforesaid obliged themselves to be guarantees, which hath hindered the aforesaid Queen to have justice done her. So that Madam de Monpensier hath been put in possession of these lands of Senlis, contrary to all the declaration, protestation and assurances of the king of France to Queen Mary's ambassadors. So that the Queen of Scotland is dispossessed of her dowry; contrary to all equity, without any regard to her quality.

N^o. XXVII. (Vol. II.) p. 236.

A letter from the Lord of Lochlevin to the Regent Mortoun ^{**}.

IT will please your grace, I received your grace's letter, and has consider'd the same. The parson of Cam-

^{*} 3d March 1577. E. of Morton's Archives. Bunc. B. N^o. 19.

sey was here at me before the receipt thereof, directed fra my lord of Mar, and the master anent my last written, which was the answer of the writing that the master sent to me, which I send to your grace, desiring me to come to Sterling to confer with them. I had given my answer before the receipt of your grace's letter, that I behuifit to be besyd Sanct Androis, at ane friends tryft, which I might not omit: I understand by my said cousin, that the king's majesty is to write to divers of the nobility to come there, anent your lordships trial, and that he had written before his departure to my lord Monthrois. I understand, likewise, he will write to your grace to come there for the same effect, which I tho't good to make your grace foreseen of the same, praying your grace, for the love of God Almighty, to look upon the best, and not to sleep in security, but to turn you with unscigned heart to God, and to consider with yourself, that when the king's majesty was very young, God made him the instrument to divest his mother from her authority, who was natural princess, for offending his Divine Majesty, and that there ran no vice in her, but that the same is as largely in you, except to that your grace condescended not to the destruction of your wife. For as to harlotry and ambition, I think your grace has as far offended God, and far more in avaritiousness, which vycis God never left unplagued, except speedy repentance, which I pray God grant to your grace, for otherwise your grace can never have the love of God nor man. I pray your grace flatter not yourself; for if your grace believes that ye have the good will of them that are the king's good willers ye deceive yourself; for surely I see perfectly that your own particulars are not contented, lat be the rest, and that most principally for your hard dealing. I pray your grace, beir with me that I am thus hamlie, for certainly it proceeds from no grudge, but from the very affection of my heart towards your grace, which has continued since we were acquainted. And now I see, because the matter stands in your grace's handling with the king's majesty, for certainly, if your

grace fall forth with him now, I see not how ye shall meet hereafter; pray I your grace to call to God, and look on the best, and cast from your grace both your vices, to wit, ambition and avaritiosneps. I am riding this day to Sanct Androis, and trust to return on Wednesday at the farthest. If your grace will command me in any offices that are honest, that I may do your grace pleasure at Sterling, advertise of your grace's mind, and shall do to my power and knowledge, and this with my heartilie, &c.

To our trusty cousin the lord Lochleven ¹¹.

TRUSTY coufin, after our most hearty commendations we received your letter of the 3d of March, and as we take your plainnes therein in good part, as proceeding from a friend and kinsman, in whose good affection towards us we never doubted, so ye may not think it strange that we purge ourself so far of your accusation, as in conscience we find nor ourself to have offended in. As touching our offence to God, we intend not to excuse it, but to submit us to his mercy, for ambition surely we think none can justly accuse us; for in our private estate we could, and can live as well contented, as any of our degree in Scotland, without further aspiring. The bearing too the charge of the government of the realm, indeed, mon lead us, or any other that shall occupy that place, not simply to respect ourself, but his majesty's rowme, which we supply, and therein not transcending the bounds of measure, as, we trust, it shall not be found we have done, it ought not to be attributed to any ambition in us. For as soon as ever his majesty shall think himself ready and able for his own government, none shall more willingly agree and advance the same nor I, since I think never to fet my face against him, whose honour, safety, and preservation has been so

¹¹ From the Original. E. of Morton's Archives, Band. B. N°. 32.

dear unto me, nor I will never believe to find otherwise at his hand than favour, although all the unfriends I have in the earth were about him, to persuade him to the contrary. As we write unto you, our friendly dealing and confidence in the house of Mar is not thankfully acquit; as we trust yourself considers; but because the ambassadors of England, my lord of Angus, the chancellor, treasurer, and some noblemen rides west this day to see the king, we pray you heartily address yourself to be there as soon as ye can, and as ye shall find the likelihood of all things, let us be advertized thereof, with your own advice, by Alex. Hay, whom we have thought good to send west, seeing my lord of Angus from Stirling rides to Douglas. And so we commit you in the protection of God. At Holyrood-house, the 4th of March, 1577.

For the avaritiousnes laid to our charge, indeed it lies not in us so liberally to deal the king's gear, as to satisfy all cravers, nor never shall any sovereign and native born prince, let be any officer, eschew the disdains of such, as thinks them judges to their own reward; in many causes I doubt not to find the assistance of my friends, but where my actions shall appear dishonest, I will not crave their assistance, but let me bear my own burthen.

N^o. XXVIII. (Vol. II. p. 265.)

Letter of Walsingham's to Randolph, Feb. 3;
1580-i^o **.

SIR,

I HAVE received from my lord lieutenant the copy of your letter of the 25th of the last directed onto his lordship, containing a report of your negotiation with the king and his council, in your second audience, wherewith having

** Cott. Lib. Calig. C. 6.

made her majesty acquainted, she seemed somewhat to mislike, that you should so long defer to deal for the enlagement of Empedocles. But I made answer in your behalf, that I thought you were directed by the advice of the said Empedocles friends, in the soliciting of that cause, who knew what time was fittest for you to take to deal therein, with most effect, and best success, with which answer, her majesty did in the end rest very well satisfied, touching that point.

Your putting of us in hope that d'Aubigny might easily be won at her majesty's devotion, was at first interpreted to have been ironie spoke by you. But since it seemeth you insist upon it, I could wish you were otherwise persuaded of the man, or at least kept that opinion to yourself, for considering the end and purpose of his coming into Scotland, as may be many ways sufficiently proved, was only to advance the Queen's liberty, and reception into that government, to overthrow religion, and to procure a foreign match with Villenarius, wherein the inclosed copy, which you may use to good purpose there; shall partly give you some light; there is no man here can be persuaded that he will change his purpose, for so small advantage as he is likely to find by it, and therefore you shall do well to forbear to harp any more upon that string, as I have already written to you. The prince of Orange sending, I fear will not be in time that it may do any good; for besides that these people are in themselves slow in their resolutions, their own affairs are, at present, so great, their state so confused, and the prince's authority so small, that he cannot so soon take order in it; and yet for mine own part, I have not been negligent or careless in the matter, having, more than three weeks past, sent one about it, from whom nevertheless I do yet hear nothing. The letters, you desire should be written thither by the French ministers, I have given order to Mr. Killingrew to procure, who, I doubt not, will carefully perform it, so that, I hope, I shall have them to send you

by the next. And so I commit you to God. At Whitehall,
the 3d of February 1580.

Your very loving cousin and servant,

FRA. WALSINGHAM.

This letter is an original, and in some parts of it wrote in ciphers and explained by another hand. By Empedoclet is understood Morton. By Villenarius the king of Scots, D'Aubigny is marked thus o i o

3 Feb. 1580.

Sundry notes gathered upon good diligence given, and in time to be better manifested, being now thought meet to be in convenient sort used, and laid against D'Aubigny, to prove him abusing the king, the nobility, and that state ¹¹.

FIRST, it hath been informed, by credible means, that D'Aubigny was privy and acquainted with la Navé the King's mother's secretary, coming into Scotland, and of his errand there, tending chiefly to persuade the king, to think and esteem it an evil president for princes, that subjects might have power to deprive their lawful sovereigns, as they did his mother, who was not minded, by any mean, to defeat him, either of the present government of that realm, or yet of the possession of the crown and inheritance thereof, but rather to assure the same to him: and that for the accomplishment of that assurance, the king should have been advised and drawn to have governed, for some short time, as prince, calling D'Aubigny to rule as governor of the prince, by commission from

¹¹ Cott. Lib. Calig. C. 6. An Original.

the Queen his mother, until the king's enemies were suppressed; after which time, d'Aubigny should have power given to establish and resign that kingdom to the king, by his mother's voluntary consent, whereby all such, as had before been in action against the Queen or her authority, might be brought to stand in the king's mercy. And for that the king might live in more surety, D'Aubigny should be declared both second person in succession of that crown, and also lieutenant general of Scotland, and that D'Aubigny, before his departure out of France, received commission from the king's mother to the effects remembered, or neat the same. That in this behalf he had conference with the bishops of Glasgow, and Ross, and with sir James Baford, with which persons, and with the duke of Guise he had and hath frequent intelligence, and by Sir James Baford he was advised to confer with the lord John Hamilton before his repair into Scotland, wherunto he agreed, and yet afterwards he sent one John Hamilton to the said lord John to excuse him in this part, alledging, that he did forbear to come to him, lest thereby he should mart or hinder greater effects to be executed by him in Scotland.

That before his coming into that realm, the nobility and country were well quieted and united in good concord, with great love betwixt the king and nobility, and amongst the noblesse, but he hath both drawn the king against sundry of the chiefest of his nobility, that have been most ready, and have expended their blood and possessions to preserve religion, and defend the king's person, his government and estate, and also hath given occasions of great suspicions and offence to be engendered betwixt the king and his nobility, and especially with such as have been in action against the king's mother, and her authority, who by force and means of the said commission and practice, should have been brought into most dangerous condition; and who also may find themselves in no small perill while he possesses the king's ear, abuseth his presence, and holdeth such of the principal keys and ports of his realm, as he presently enjoyeth.

That

That he hath drawn the king not only to forget the great benefits done to him and his realme, by the Queen's majesty of England, but also to requite the same with sundry signs of great unthankfulness, and wounding therewith the honour of her majesty, and thereby hath adventured to shake the happy amity long time continued betwixt those princes.

And whereas these griefs were to be repaired by gentle letters and good offers, to have passed, and been done betwixt them: In which respect, the king and council having resolved to write to her majesty, for her highness better satisfaction in the late negotiation of Mr. Alexander Hume of Northberwick, had given order to the king's secretary to frame that letter: He minding to break the bond of amity in funder, willed the secretary to be sure that nothing should be inserted in that letter, whereby the king should crave any thing at her hands, seeking thereby to cut off all loving courtesies betwixt them, as by the declaration of the said secretary may be better learned, and thereupon further approved.

That under the hope and encouragement of D'Aubigny's protection, Alexander King presumed with that boldnes to make his lewd harangue, and by his means hath hitherto escaped chaliment and correction, due for his offence.

That sir James Baford, condemned of the slaughter of the king's father, hath been called into the realme by Lenox, without the privity of the king. And whereas the said sir James found in a green velvet desk, late the earl of Bothwell's, and saw, and had in his hands the principal band of the conspirators in that murder, and can best declare and witness who were authors and executors of the same; he is drawn by Lenox to suppress the truth, and to accuse such as he himself knoweth to be innocent, and as by order of law, will be so found, if they may have due trial, which, contrary to all justice, is by Lenox means denied.

This is the charge against D'Aubigny, mentioned in the foregoing letter by Walsingham; but by Baford they mean sir James Balfour.

N^o. XXIX. (Vol. II. p. 283.)

The copy of the king of France his directions sent to Scotland with Seigneur de la Motte Fenelon. Translated out of the French **.

FIRST, on their most christian majesty's part, he shall make the most honourable salutation and visiting to the most serene king of Scotland, their good brother and little son, that in him is possible.

To give him their letters that are closed, such and such like as they have written to him with their hands, and to show exprefly the perfect friendship and singular affection, that their maiestys bear to him, and to bring back the answer.

To take heed to the things which touch near the most serene king, to the effect that his person may be in no danger, but that it may be most surely preserved.

And that he be not hindered in the honest liberty that he ought to have, and that no greater, or straiter guards be about him than he had before.

And such like, that he be not impeached in the authority, that God hath given to him of king and prince sovereign above his subiects, to the effect he may as freely ordain and command in his affairs, and in the affairs of his country, with his ordinary council, as he was used to do of before.

That his nobility, barons, and commonality of his country may have their free liberty to resort to his serene majesty without suspicion of greater guards or more armed men about his person than the use was, that they be not affraid and hindered to resort; and furtlier that the seigneur de la Motte Fenelon fall liberally and freely speak to the said serene king and council, requiring the re-establishing of that that may or hath been changed or altered.

And that he may know if the principalls of the nobility, and

** Calderw. MS. Hillary, Vol. 3. p. 208.

other men of good behaviour of the towns and commonality of the contry conveens, and are content with the form of government presenty with the said serene king, to the end that if there be any discontent he may travaile to agree them together, and that he return not without the certainty of the famine.

And if he may understand that there be aty who have not used them so reverently towards the said serene king, their sovereign lord, as the duty of their obedience required, that he may pray on this behalf of his majesty most christian, the said serene king his good brother, giving him councill wholly to forget the same, and exhorting them to do their duty towards his majesty, in time coming, in all respects with the obedience and true subjection they ought him.

And if the said seigneur de la Motte perceives the said serene king to be in any manner constrained of his person, authority, liberty, and disposition of his affairs, than he used to be, and not convenient for his royal dignity, or as the sovereignty of a prince does require, that he use all moyen lawful and honest to place him in the famine, and that he employ as much as the credit of his most christian majesty may do towards the nobility, and subjects of that contry, and as much as may his name, with the name of his crown towards the Scottish nation, the which he loves and confides in as much as they were proper Frenchmen.

And that he wittnes to the said serene king, and his estates, of his consent, and to all the nobility and principall personages of the contry, that his most Christian majesty wll continue on his part in the most ancient alliance and confederacy, which he hath had with the said serene king his good brother, praying his nobility and contry, with his principall subjects, to persevere in the famine, in all good understanding and friendship with him; the which, on his part, he shall do, obsefving the famine most inviolable.

Further his most christian majesty understanding that the serene king his good brother was contented with the duke of Lenox, and his servise; the said seigneur De

la Motte had charge to pray his serene majesty that he might remaine beside him to his contentment, believing that he should more willing intertain the points of love and confederacie, betwixt their majestys and their contrys, because he was good subject to them both; and if he might not remain, without some alteration of the tranquillity of his estate, that he might retire him to his own house in the said contry, in surenes, or if he pleased to return to France that he might surely —— and if it pleases his serene majesty, to cause cease and stay the impeachments, that are made of new upon the frontiers, to the effect that the natural Frenchmen may enter as freely into the contry, as they were wont to do of before.

And that there may be no purpose of diffamation, nor no speech but honourable of the most Christian king, in that contry, but such like as is spoken most honourably of the serene king of Scotland in France.

He had another head to propone, which he concealed till a little before his departure, to wit, that the Queen, the king's mother, was content to receive her son in association of the kingdom.

N^o. XXX. (Vol. II. p. 300.)

Lord Hunsdon to Sir Francis Walsingham, the 14th of August 1584, from Berwick ¹⁷.

S I R,

ACCORDING to my former letters, touching my meeting with the earl of Arran upon Wednesday last, there came hither to me from the earle, the justice clerk, and Sir Williani Stuart, captain of Dumbarton, both of the king's privie council, to treat with me about the order of our meeting, referring wholly to me to appoint the hour, and the number we should meet withal; so as we concluded

¹⁷ Calderw. MS. History, vol. 3. p. 374.

the place to be Foulden, the hour to be ten o'clock, and the number with ourselves to be 13 of a side; and the rest of our troops to stand each of them a mile from the town; the one on the one side, the other on the other side, so as our troops were two miles asunder; I was not many horsemen, but I supplied it with footmen, where I had 100 shot on horse, but they were very near 500 horse well appointed: According to which appointment, we met yesterday, and after some congratulations, the erle fell in the like protestations of his good will and readiness to serve the Queen's majesty, before any prince in the world, next his sovereign, as he had done heretofore by his letters, and rather more; with such earnest vows, as unless he be worse than a devil, her majesty may dispose of him at her pleasure; this being ended, I entered with him touching the cause I had to deal with him, and so near as I could, left nothing unrehearsed, that I had to charge the king or him with any unkind dealing toward her majesty, according to my instructions, which without any delay he answered presently, as ye shall perceive by the said answers, sent herewith; but I replying unto him, he amplified them with many moe circumstances, but to this effect. Then I dealt with him touching the point of her majesty's satisfaction, for the uttering such practices as has been lately set on foot for the disquieting of her majesty and her estate, who thereof made sundry discourses, what marriages have been offered to his majesty by sundrie princes, and by what means the erle has sought to divert them, and for what causes; the one, for that be marriage with Spain or France, he must also alter his religion, which as he is sure the king will never do, so will he never suffer him to hearken unto it, so long as he has any credit with him; he denys not but the king has been dealt withal be practices to deal against her majesty, which he has so far denied and refused to enter into, as they have left dealing therein, but whatsoever the king or he knoweth therein there shall be nothing hidden from her majesty, as her majesty shall know very shortly; surely it seems by his speeches, that if the king would have yielded

thereunto there had been no small company of French in Scotland ere now to disquiet her majesty. —— This being ended, I dealt with him earnestly for the stay of this parliament, which now approacheth; or at the least that there may be nothing done therein, to the prejudice of these noblemen and others now in England, for the faulting of their livings and goods; hereupon he made a long discourse to me, first of the earl of Angus dealing about the earl of Morton, then of his going out, notwithstanding of sundrie gracious offers the king had made him, then of the road of Ruthven, how that presently after they had the king's majesty in their hands, they imprisoned himself, dealt with the king for putting of the duke out of the realme, the king refused so to do, they told him plainly that if he would not he should have the earl of Arran's head in a dish; the king asked what offence the earl had made? and they answered it must be so, and should be so; hereupon, for the safeguard of Arran's life, the king was content to send away the duke, and yet Arran afterwards sundrie times in danger of his life; I alledged unto him the king's letter to the Queen's majesty, and his acts in council, that they had done nothing but for his servise, and with his good liking and contentment, who answered me he durst do no otherwise, nor could not do any thing but that which pleased them, with such a number of other their dealings with the king whilst he was in their hands as are too long to be written, and too bad if they were true; I said the king might have let the Queen's majesty's ambassador have known his mind secretly, and her majesty would have relieved him; he answered, that the king was not ignorant that the apprehensions in that manner, proceeded from Mr. Bow's practice, and thereby durst not impart so much to him, and yet the king was content, and did give remission to as many as would acknowledge their faults, and ask remission, and such as would not, he thought fit to banish, to try their further loyalty, in which time they conspired the king's second apprehension, and the killing of the earle, and others,

and seduced the ministers to their faction, and yet not satisfied with these conspiracies and treasonable dealings (as he terms them), are entered into a third, being in England under her majesty's protection, to dishonour her majesty as far as in them lyeth, or at least to cause the king conceave some unkindnes in her majesty, for harbouring of them; I wrote to you what the conspiracy was, the taking of the king, the killing of the earle of Arran, and some others, the taking of the castle of Edin. and bringing home the earles, to take the charge of the king; all which (says he) is by Drummond confessed, and by the provost of Glencudden not greatly denied, and the constable of the castle thereupon fled; the earl brought Drummond with him as far as Langton, where he lay, to have confessed the conspiracy before me, but having at his lighting received a blow on his leg with a horse, so as he could bring him no further, I replied that I thought verily they would not work any such practices in respect of the Queen's majesty, abiding within her realme, and if there be any such practices, they have proceeded from others, and they not privie unto them: and that if it be not apparently proved against them, that it will be thought to be some practice to aggravate, the fault, and to make them the more odious to the king. He answered me, that it should be proved so sufficiently, that they should not be able with truth to deny it, for their own hands is to be shewed to part of it, and therefore concluded, that if her majesty should so press the king for them at this time, that would rather hinder this matter of the amity, not further it, and that since they seek chieflie his life, he could not, in any reason, seek to do them any good; and besides he assured me, that if he would he dare not, this last matter being fallen out as it is; and surely if this matter had not fallen out, I would not have doubted the restoring of the earl of Mar very shortly, if her majesty would have employed me therein, but for the earl of Angus, I perceive the king is perswaded that both he, and the rest of the Douglasses, have conceived so mortall an hatred against him and the earl of Arran, about the death

of the earl of Merton, as if they were at home, to-morrow next, they would not leave to practice and conspire the death of them both, and therefore a hard matter to do any thing for him: finally, he concluded and required me to assure her majesty from the king, that there shall nothing be hid from her, nor any thing left undone that may satisfie her majesty with reason, and that the king shall never do any thing, nor consent to have any thing done in her prejudice, so long as he had any credit with him, or authority under him. Having this far proceeded, he desired to shew me his commission, which is under the great seal, to himself only, which is as large as may be, and yet sundrie of the privie council there with him, but not one in commission, nor present, nor near us all this time having spent almost five hours in these matters; he presented to me the master of Gray, who delivered to me a letter from the king in his commendation, whom I perceive the king means to send to her majesty, and therefore requires a safe-conduyt for his passage, which I pray you procure, and to send it as soon as you may. I let him understand of the lord Seaton's negociaction with the French king. He swore to me, that Seaton was but a knave, and that it was partly against his will, that he should be sent thither. But his commission and instruction being of no great importance, he yielded the sooner; and if Seaton has gone beyond his instructions, which Arran drew himself, he will make Seaton smart for it. Touching William Newgate, and Mark Golgan, he protested he never heard of any such; he says there was a little poor soul, with a black beard, come thither a begging, who said he was an enemy to Desmond, to whom he gave a croun, but never heard of him since, and for any Scotsman going into Ireland, he says there is no such matter; if there be, there may be some few raskals that he knows not of; and touching the coming of any Jesuits into Scotland, he says, it is but the flanderous devise of the king's enemys, and such as would have the world believe the king were ready to revolt in religion, who the world shall well see will continue as

constant therein, as what prince soever professed it most; and the earl himself dos protest to me, that to his knowledge, he never saw a Jesuit in his life, and did assure me if there was any in Scotland, as their ministers would do, if they preach such doctrine as they did in Scotland; and touching one Ballenden, of whom I wrote to yow, I heard from Mr. Colvill, the eaile avows constantly that he knows not, nor hath not heard of any such man, but he would inquire at the justice clerk, and would inform me what he could learn of that; thus I have made you as short a discourse as I can of so many matters, so long discoursed upon, but these are the principal points of all our talk, so near as I can remember it, and for this time I commit you to the Almighty. At Berwick the 14th of August, 1584.

The king is very desirous to have
my son Robert Cary to come to him.
I pray you know her majesty's pleasure.

Arran's Answers to the grieffs or articles proponed
to the lord Hunsdon, set down in another form.

AS to the strait and severe persecution of all such, as have been noted to have been well affected to the Queen's majesty, it cannot appear they were either for that cause punished, or hardly dealt with, since his majesty of late has been so careful and diligent to choice out good instruments to deal betwixt her majesty and him, as his majesty has done in electing of your lordship and me; besides that in all their accusations, their good will and affection born to her majesty was, at no time, laid to their charge, but capital actions of treason many way tried now be the whole three estates, and more than manifest to the world.

As for his majesty inhibiting, by publick proclamation, such as were banished, not to repair in England; the bruits and whisperings that came to his majesty's ears, of their conspiracies and treasons, which since syn they accomplished,

so far as in them lay, moved his majesty to inhibit them to repair to any place, so near his majesty's realme, lest they should have attempted these things, which shortly they did attempt, being farther off, and more distant both by sea and land.

As for reception of Jesuits, and others, her majesty's fugitives, and not delivering them according to his promise, as your lordship propone, his majesty would be most glad that so it might fall out by your lordship's travailes, that no fugitive of either realme should be received of either, and when so shall be, it shall not fail on his majesty's part, albeit in very deed this time bygone his majesty has been constrained to receipt her majesty's mean rebels and fugitives, contrar his good natural, since her majesty hath receipt, in effect, the whole and greatest rebels and traitors his majesty in his own blood ever had; as for the agreement with his majesty's mother anent their association, his majesty has commanded me, in presence of your lordship's servant, to assure her majesty and your lordship, in his majesty's name, that it is altogether false, and an untruth, nor any such like matter done yet.

His majesty has also commanded me to assure your lordship, that it is also false and untrue, that his majesty has, by any means direct or indirect, sent any message to the pope, or received any from him; or that his majesty has dealt with Spain or any foreigners, to harm her majesty or her realm, which his majesty could have no honour to do, this good intelligence taking place, as I hope in God it shall.

As concerning the contemptuous usage of her majesty's ministers, sent unto his majesty, his majesty used none of them so; and if his majesty had, sufficient cause was given by them, as some of their own writs do yet testify: as I more particularly showed your lordship at Foulden at our late meeting.

N^o. XXXI. (Vol. II. p. 304.)

The Scottish Queen's offers upon the effect of her liberty propounded by her secretary Naw, November 1584 **.

THE Queen my mistress being once well assured of your majesty's amity,

1. Will declare openly that she will (as it is sincerely her meaning) straitly to join unto your majesty, and to the fame to yield and bear the chief honour and respect, before all other kings and princes in Christendom.

2. She will swear, and protest solemnly, a sincere forgetfulness of all wrongs which she may pretend to have been done unto her in this realme, and will never, in any sort or manner whatsoever, shew offence for the fame.

3. She will avow and acknowledge, as well in her own particular name, as also for her heirs and others descending of her for ever, your majesty, for just, true, and lawful Queen of England.

4. And consequently, will renounce, as well for herself, as for her said heirs, all rights and pretences which she may claim to the crown of England, during your majesty's life, and other prejudice.

5. She will revoke all acts and shews, by her heretofore made, of pretence to this said crown to the prejudice of your majesty, as may be the taking of the arms and stile of Queen of England, by the commandment of king Francis, her late lord and husband.

6. She will renounce the pope's bull for so much as may be expounded to turn in her favour, or for her behoof, touching the deprivation of her majesty, and will declare that she will never help and serve herself with it.

7. She will not prosecute, during your majesty's life,

** Cott. Lib. Calig. C. 8. A Copy.

by open force or otherways, any public declaration of her right in the succession of this realme, so as secret assurance be given unto her, or at the leaft publick promise, that no deciding thereof shall be made in the prejudice of her, or of the king her son, during your majesty's life, nor after your decease, until such time as they have been heard thereupon, in publick, free, and general assembly of the parliament of the said realme.

8. She will not practise, directly or indirectly, with any of your majesty's subjects, neither within nor out of your realme, any thing tending to war, civil or foreign, against your majesty and your estate, be it under pretext of religion, or for civil and politick government.

9. She will not maintain or support any of your subjects declared rebels, and convicted of treason against you.

10. She will enter into the association, which was shewed her at Wingfield for the surety of your majesty's life, so as there be mended or right explicated some clauses, which I will shew to your Majesty, when I shall have the copy thereof, as I have before time required.

11. She will not treat with foreign kings and princes, for any war or trouble against this state, and will renounce, from this time, all enterprises made or to be made in her favour for that respect.

12. Furthermore, this realme being assailed by any civil or foreign war, she will take part with your majesty, and will assist you in your defence with all her forces and means, depending of herself and with all her friends of Christendom.

13. And to that effect, for the mutual defence and maintenance of your majesty, and the two realms of this isle, she will enter with your majesty in a league defensive, as shall be more particularly advised, and will persuade as much as in her, the king her son to do the like.

The leagues with all parts abroad remaining firm, and especially the antient league between France and Scotland, in that which shall not be against this present.

14. She will enter into a league offensive, having good assurance, or secret declaration and acknowledgement of

her right in the succession of this crown, and promise, that happening any breach betwixt France and this realme, (which she prayeth God never to happen) the just value of her dowry shall be placed for her in lands of the revenue of the crown.

15. For assurance of her promises and covenants, she doth offer to abide herself in this realme for a certain time, (better hostage can she not give than her own person) which, so as she be kept in the liberty here before propounded, is not in case to escape secretly out of this country, in the sickly state she is in, and with the good order which your majesty can take therein.

16. And in case your majesty do agree to her full and whole deliverance, to retire herself at her will out of this realme, the said Queen of Scotts she will give sufficient hostage for such time as will be advised.

17. If she abide in this realme, she will promise not to depart out of it, without your licence, so as it be promised unto her that her state, in such liberty as shall be accorded unto her, shall not be in any fort altered, until after tryall to have attempted against your life, or other trouble of your estate.

18. If she go into Scotland, she will promise to alter nothing there in the religion which is now used there, she being suffered to have free exercise of hers, for her and her houshold, as it was at her return out of France; and further, to pull out every root of new division between the subjects, that none of the subjects of Scotland shall be sifted for his conscience, nor constrained to go to the service of the contrary religion.

19. She will grant a general abolition of all offences done against her in Scotland, and things shall remain there as they are at this present, for the respect, saving that which hath been done against her honour, which she meaneth to have revoked and annulled.

20. She will travel to settle a sure and general reconciliation between the nobility of the country, and to cause to be appointed about the king her son, and in his council, such

as shall be fit for the entertainment of the peace and quiet of the country, and the amity of the realm.

21. She will do her best to content your majesty, in favour of the Scots lords banished and refuged hither, upon their due submision to their princes, and your majesty's promise to assist the said Queen and king of Scotland against them, if they happen to fall into their former faults.

22. She will proceed to the marriage of the king her son, with the advice and good council of your majesty.

23. As she will pass nothing without the king her son, so doth she desire that he intervene conjointly with her in this treaty, for the greater and perfecter assurance thereof; for otherwise any thing can hardly be established to be found and continue.

24. The said Scotch Queen trusteth, that the French king, her good brother, according to the good affection which he hath always shewed her, and hath been afresh testified unto me by Mons^t de Mannissiere for this said treaty, will very willingly intervene, and will assist her for the surety of her promises.

25. And so will the princes of the house of Lorrain, following, the will of the said king, will bind themselves thereunto.

26. For other kings and princes of Christendom, she will assay to obtain the like of them, if for greater solemnity and approbation of the treaty it be found to be necessary.

27. She doth desire a speedy answer, and final conclusion of the premises, to the end to meet in time with all inconveniences.

28. And in the mean time, the more to strengthen the said treaty, as made by her of a pure and frank will, she desireth that demonstration be made of some releasement of her captivity.

Objections against the Scottish Queen, under Secretary Walfinghame's hand, November 1584.

THE Queen of Scots is ambitious, and standeth ill affected to her majesty, and therefore it cannot be but that her liberty should bring peril unto her majesty.

That her enlargement will give comfort to papists, and other ill affected subjects, and greatly advance the opinion had of her title as successor.

That as long as she shall be continued in her majesty's possession, she may serve as it were a gage of her majesty's surety, for that her friends, for fear of the danger she may be thrown into, in case any thing should be done in her favour, dare not attempt any thing in the offence of her majesty.

November 1584. { What course were fit to be taken with the Queen of Scots, either to be enlarged or not **.

THE course to be taken with the said Queen may be considered of in three degrees; either,

1. To continue her under custody in that state she now is.
 2. To restrain her of the present liberty she now hath.
 3. Or to set her at liberty upon caution.
1. Touching the first, to continue her under custody in that state she now is; it is to be considered, that the princes that favour that queen, upon the complaint she maketh of hard usage, are greatly moved with commiseration towards her, and promise to do their endeavour for her liberty, for which purpose her ministers solicit them daily.

** Cott. Lib. Cal. 2.

And to move them the more to pity her case, she acquainteth them with her offers made to her majesty, which appeared to be no less profitable than reasonable for her majesty, so as the refusal and rejecting giveth her friends and favourers cause to think her hardly dealt withal, and therefore may, with the better ground and reason, attempt somewhat for the setting of her at liberty.

It is also likely that the said Queen, upon this refusal, finding her case desperate, will continue her practice under hand, both at home and abroad, not only for her delivery, but to attain to the present possession of this crown, upon her pretended title, as she had hitherto done, as appeareth, and is most manifest by letters and plots intercepted, and chiefly by that late alteration of Scotland, which hath proceeded altogether by her direction, whereby a gap is laid open for the malice of all her majesty's enemies, so as it appeareth that this manner of keeping her, with such number of persons as she now hath, and with liberty to write and receive letters (being duly considered), is offensive to the princes, the said Queen's friends; rather chargeable, than profitable to her majesty; and subject to all such practices as may peril her majesty's person or state, without any provision for her majesty's safety, and therefore no way to be liked of.

2. Touching the second, to restrain her in a more straighter degree of the liberty she hath hitherto enjoyed.

It may at first sight, be thought a remedy very apt to stop the course of the dangerous practices fostered heretofore by her: For, true it is, that this remedy might prove very profitable, if the realme of Scotland stood in that sort devoted to her majesty, as few years past it did; and if the king of that realme were not likely, as well for the release of his mother, as for the advancement of both their pretended titles, to attempt somewhat against this realme and her majesty, wherein he should neither lack foreign assistance, nor a party here within this realme: But the king and that realme standing affected as they do, this restraint,

instead

instead of remedying, is likely to breed these inconveniences following:

First; it will increase the offence both in him, and in the rest of the princees her friends that misliked of her restraint.

Secondly; It will give them just cause to take some way of redress.

Lastly; It is to be doubted, that it may provoke some desperate ill-disposed person, all hope of her liberty removed, to attempt somewhat against her majesty's own person (a matter above all others to be weighed), which inconvenience being duly considered, it will appear manifestly, that the restraint, in a straighter degree, is likely to prove a remedy subject to very hard events.

The latter degree, whether it were fit to set the said Queen at liberty, ministreth some cause of doubt, touching the manner of the liberty, in what sort the same is to be performed, whether to be continued here within the realme, or to be restored into her own country.

But first, this proposition, before the particularities be weighed, is to be considered in generality.

For it is very hard for a well-affected subject, that tendereth her majesty's surety, and weightheth either the nature of the Scottish Queen, being inclined to ambition and revenge, or her former actions, what practices she hath set on foot most dangerous for her majesty and this realme, to allow of her liberty, being not made acquainted with such causes, as time hath wrought, to make it less perilous than it hath been, nor with such cautions as may, in some sort, be devised to prevent both her ambition and malice; and therefore, to make this apparent.

It is to be considered, that the danger that was in the mother, is now grown to be in the son. He pretendeth the same title she doth: Such as do affect her, both at home and abroad, do affect him (and he is the more dangerous for that he is unmarried, which may greatly advance his fortune; and that he is a man, whereby he may enter into action in his own person); where she is

restrained, he is at liberty; his own realme is now altogether at his devotion, and the party affected to this crown abased; so as the matter duly considered, neither her liberty nor restraint doth greatly alter the case for perils towards her majesty, unless by such promises as may be made by way of treaty with her, the danger likely to grow from the king her son to be provided for.

But in this behalf it may be objected, that so long as the mother remains in her majesty's hands, the king will attempt nothing for fear of his mother's peril.

To this objection it may be answered, first, That they hope that her majesty, being a prince of justice, and inclined to mercy, will not punish the mother for the son's offence, unless she shall be found, by good proof, culpable. Secondarily, That men will not be over-hasty, considering in what predicament the king standeth touching his expectation of this crown, to advise any thing that in time future may be dangerous to the giver of such council as may reach to his mother's peril.

And lastly, the taking away of his mother, he being strong in the field through both foreign assistance, and a party here within the realme, will appear so weak a remedy (which may rather exasperate both him, and her party, to proceed with more courage and heat to revenge, if any such hard measure should be offered unto her), as they will suppose for the reason above specified, that no such extremity will be used.

It may also be objected, that the setting of her at liberty will greatly encourage the papists both at home and abroad; but herein, if the provision be duly considered, that may be made by parliament both here and there, they shall rather find cause of discomfort than otherwise.

These two doubts being resolved, and the perils that was in the mother appearing, most manifestly to be seen in the son accompanied with more danger, with due consideration had also of such remedies as may be provided for the preventing of the dangers, that her liberty may minister just cause to doubt of; there will be good cause of hope found, that the same will rather breed benefit than perils.

Now it resteth, in what sort the said liberty shall be performed; if it shall be thought meet she shall be continued within the realm with some limitation, especially in that place where she now resideth, the country round about being so infected in religion as it is, it is greatly to be doubted that will very much increase the corruption, and failing away in that behalf. Besides, she should have commodity, with much more ease, and speed, to entertain practices within this realme, than by being in her own country.

If abroad freely without limitation either in Scotland, or France, then shall her majesty lose the gages of her safety, then shall she be at hand to give advice in furtherance of such practices, as have been laid for to stir trouble in this realme, wherein she hath been a principal party.

For the first, it is answered before, that the respect of any perils that may befall unto her, will in no sort restrain her son. For the other, if it be considered what harm her advice will work unto herself, in respect of the violation of the treaty, and the provision that may be made in parliament here, it is to be thought, that she will then be well advised, before she attempt any such matter, which now she may do without perill. Besides such princes, as have interposed their faith and promise for her, cannot with honour assist her, wherein the French king will not be found very forward, who, in most friendly sort, hath lately rejected all such requests, propounded either by her, or her son's ministers, that might any way offend her majesty. And so to conclude, seeing the cause of her grief shall be taken away; the French king gratified, who is a mediator for her, and will mislike, that, by any Spanish practice, she should be drawn to violate her faith, that the rest of the princes shall have no just cause of offence, but rather to think honourably of her majesty considering the Scottish Queen's carriage towards her, which hath deserved no way any such favour; the noblemen of Scotland shall be restored, who will be a good stay of such counsells as may tend to the troubling of this realme, especially having so good a ground of warrant as the par-

liament to stand unto ; the charges and perills which Her practices might have bred to this realme shall be avoided ; and lastly , the hope of the papists shall be taken away , by such good provisions , as in both the realmes may be made , whereby the perills that might fall into her majesty's own person , (a matter of all others to be weighed) shall be avoided , when by the change that may grow by any such wicked and ungodly practice , they shall see their case no way relieved in point of religion .

Reasons to induce her majesty to proceed in the treaty under Secretary Walsingham's hand **.

THAT such plots as have of late years been devised (tending to the raising of trouble within this realme) have grown from the Scots Queen's ministers , and favourers , not without her allowance and seeking : Or ,

That the means used by the said ministers , to induce princes to give ear to the said plots , is principally grounded upon some commiseration had of their restraint .

That the stay , why the said plots have not been put in execution , hath proceeded , for that the said princes have , for the most part , been entertained with home and domestick troubles .

That it is greatly to be doubted , that now their realms begin to be quiet , that somewhat will be attempted in her favours by the said princes .

That it is also to be doubted , that somewhat may be attempted by some of her fautors in an extraordinary sort , to the peril of her majesty .

That for the preservation thereof , it shall be convenient for her majesty to proceed to the finishing of the treaty , not long sithence begun between her and the said Queen .

** Cott. Lib. Cal. C. 2.

N°. XXXII. (Vol. II. p. 315.)

Letter of Q. Mary to Q. Elizabeth".

Madame ma bonne Sœur,

M'ASSEURANT que vous avez eu communication d'une lettre de Gray que vostre homme Semer me livra hier soubz le nom de mon filz y reconnoissant quasi de mot a la mot less mesmes raisons que le dit Gray m'escrivit en chifre estant dernierement pres de vous desmontrant la suffisance & bonne intention du personage je vous prieray seulement suivant ce que ci devant je vous ay tant instantement importuné que vous me permettiez desclaircir librement & ouvertement ce point de l'association d'entre moy & mon filz & me dessier les mains pour proceder avec lui comme je jugeray estre requis pour son bien & le mien. Et j'entreprendz quoi que l'on vous die & puisse en rapporter de faire mentir ce petit brouillon qui persuadé par aucuns de vos ministres a enterpris cette separation entre moy & mon enfant, & pour y commencer je vous supplie m'octroyer que je puisse parler a ce justice clerk qui vous a esté nouvellement envoyé pour mander par luy a mon filz mon intention sur cela, ce qui je me promis que ne me refuserez, quant ce ne seroit que pour demontrer en effect la bonne intention que vous m'avez assurée avoir a l'accord & entretien de naturel devoir entre la mere & l'enfant qui dit en bonnes termes estre empesche pour vous me tenant captive en un desert ce que vous ne pourrez mieux desmentir & faire paroître vostre bon desir a notre union que me donnant les moyens d'y proceder, & non m'en retenir & empescher, comme aucun de vos ministres pretendent afin de laisser toujours lycu a leur mauvais & sinistres pratiques entre nous. La lettre porte que l'association n'est pas passée, aussi ne luy ai je jamais dit, bienque mon filz avoit accepté;

⁵¹ Cott. Lib. Col. B. VIII. Fol. 147. An original.

& que nous en avions convenu ensemble, comme l'acte signé de sa main, & ses lettres tant a moy, que en France en font foy, ayant donné ce même temoignage de sa bouche propre a plusieurs ambassadeurs & personnes de credit, s'excusant de ne l'oser faire publier par crainte de vous seulement, demandant forces pour vous résister d'avant de se déclarer si ouvertement étant jurement persuadé au contraire par vos ministres qui luy promettoient avecque une entreire a Yorck le faire déclarer votre heretier. Au surplus Madame quand mon enfant seroit si malheureux que de s'opiniastre en cette extreme impiété & ingratitude vers moy, je ne puis penser que vous non plus qu'aucun autre prince de la Chretienté le voulussiez en cela applaudir ou maintenir pour luy faire acquerir ma malediction ainsi que plutos *intraventures* pour luy faire reconnoître la raison trop juste & évidante devant Dieu & les hommes. . Helas & encore ne luy vouloir j'en oster, mays donner avec droit ce qu'il tient par usurpation. Je me suis du tout commise a vous, & fidèlement faites si il vous plest que je ne en soyepis qu'auparavant, & que la faulsete des uns ne prevale devant la verite vers vous, pour bien recevant mal, & la plus grande affliction que me scaurroit arriver a scavoir la perte de mon fils. Je vous supplie de me mander en cas qu'il persiste en cette m'esconnoissance de son devoir, que de luy ou de moy il vous plaitz adoucer pour legitime royaou reyne d'Ecosse, & si vous avez agreable de poursuivre avec moy a part le traité commencé entre nous de quoy je vous requiers, sans plus attendre de responce de ce mal gouverné enfant, vous en requerant avec autant d'affection que je sens mon cœur oppresé d'ennuy. Pour Dieu souvenez vous de la promesse que m'avez faites de me prendre en votre protection me rapportant de tout a vous, & sur ce prian. Dieu qu'il vous viueille préserver de tous vos ennemys & dissimulez amys, comme je le desire de me consoler & de me venger de ceulz qui pourchassent un tel malheur entre la mere & l'enfant. Je cesseray de vous troubler, mais non a m'ennuier que je ne reçoive quelque

consolation de vous & de Dieu encore un coup je le sup-
plie de vous garder de tout peril. Futhbery xii Mars.

Votre fidelement vouée sœur
& obeissante cousine,

MARIE Q.

A la reyne d'Angleterre,
madame ma bonne sœur
& cousine.

N°. XXXIII. (Vol. II. p. 315.)

A Testament by Q. Mary ¹¹.

N. B. The following paper was transcribed by the revd.
Mr. Crawford late regius professor of church-history
in the university of Edinburgh. Part of this paper,
according to him, is written by Naué, Mary's secre-
tary, the rest with the Queen's own hand. What is
marked " is in the Queen's hand.

CONSIDERANT par ma condition présente l'estat de vie
humaine, si incertain, que personne ne s'en peult, ou doibt
asseurer, finon soubs la grande & infinie misericorde de
Dieu. Et me voulant prevaloir d'icelle contre tous les dan-
gers & accidens, qui me pourroient inopinement survenir
en cette captivité, mesmes a cause des grandes & longues
maladies, ou j'ay été detenué jusques à présent; j'ay avisé
tandis que j'ay la commodité, ou raison en jugement, de
pourvoir apres ma mort le salut de mon ame, enterrement
de mon corps & disposition de mon bien, estat, & affaires,
par ce present mon testament & ordonnance de mon dernier
volonté, qui s'ensuyt.

Au nom du Pere, du Filz, & du benoite S^t. Esprit.

¹¹ Cott. Lib. Vespaf. L. 16. p. 415.

Premierement , me reconnoissant indigne pecheresse avec plus d'offences envers mon Dieu , que de satisfaction par toutes les adversites que j'ay souffert ; dont je la loue sa bonte . Et m'appuyant sur la croix de mon Sauveur & Redempteur Jesus Christ . Je recommande mon ame a la benevoiste & individue Trinite , & aux prieres de la glorieuse Vierge Marie , & de tous les anges saints & saintes de paradis , esperant par leur merites & intercession , estre aydee a obtenir de estre faicte participante avec eux de felicite eternelle . Et pour m'y acheminer de cuer plus net & entier , despouillant des a present tout ressentiment des injures , calomnies , rebellions , & aultres offences , qui me pourroient avoir esté faictes durant ma vie , par mes subjets rebelles & aultres ennemis ; J'en retriet la vengeance a Dieu , & le supplie leur pardonner , de mesme affection , que je luy requiers pardon a mes faultes , & a tous ceuls & celles que je puis avoir offendre de faicts ou de parolles . Je veulx & ordonne , &c. [The two following paragraphs contain directions concerning the place and circumstances of her burial.]

Pour ne contrevenir à la gloire , honneur , & conservation de l'Eglise catholique , apostolique & Romaine , en la quelle je veulx vivre & mourir , si le prince d'Escoffe mon filz y puest etre reduict contre la mauvaise nourriture qu'il a prise a mon tres grand regret en l'heresie de Calvin entre mes rebelles , je le laisse seul & unique heritier de mon royaume d'Escoffe , de droit que je pretende justement en a la couronne d'Angleterre & pays qui en dependent , & generallement de tous & chacun mes meubles & immeubles qui resteront apres ma mort , & execution de ce present testament .

Si non , & que mon dit filz continue a vivre en la dire heresie , Je cede , transporte , & faicte don " de tous & " chacuns mes droicts , que je pretende & puis pretendre " a la couronne d'Angleterre , & aultres droicts , seign " neuries , ou royaumes en dependantz , au roy catholique , " ou aultre des siens qu'il luy plaira , avesques avis , con " sentement de sa saintete ; tant pour le voyr aujourhuy

" le seul feurs appui de la religion catholique , que pour
 " reconnaissance de gratuites faveurs que moy , & les miens
 " recommandez par moy , ont avons receu de luy en ma
 " plus grande necessité ; & resguard aussi au droict que
 " luy mesme peut pretendre a ces ditz royaumes & pays ,
 " je le supplie qu'en recompence il preign alliance , de la
 " maison de Lorraine , & il ce pleut de celle de Guise ,
 " pour memoire de la race de laquelle je suis sortie au
 " coste de Mere , n'a ayant de celuy de mon pere , que
 " mon seul enfant , lequel estant Catholique j'ay tousjouors
 " voué pour une de ses filles , si il luy plaisoit de l'accepter ,
 " ou faillant une de ses niepces mariée comme sa fille .

" Je layffe mon filz a la protection du roy , de prince ,
 " & ducs de Lorraine & de Guise , & du Mayne , aux
 " quelz je recommande & son estat en Escosse , & mon
 " droict en Angleterre , si il est catholique , & quelle le
 " parlie de ceste reyne ."

Je faitz don au " conte de Lenox " du comte de Le-
 nox tenu par feu son pere , & commande mon filz , comme
 mon heritier & successeur , d'obeyr en cest en droit a mon
 volonté .

Je veulx & ordonne toutes les sommes & deniers , qui se
 troveront par moys deues , tien mis cause de droict estre
 faits " a Lohliven " etre promptement payés & acquittés , &
 tout tort & griefs reparés per lesdits executeurs desquelz
 J'en charge la conscience . Oltre , &c. [*Follow two or
 three paragraphs concerning particular legacies , and then is
 added*] Faict au manoir de Sheffeld en Angleterre le jour
 de — Mil cinq cens soixant & dix sept .

After a large blank page follows in the Queen's hand :

" Si mon filz meurt , au comte de Lenox , au Claude
 " Hamilton lequel se montrera le plus fidelle vers moy , &
 " plus constant en religion , au jugement de — Ducs de
 " Lorraine & de Guyse , ou je le rapporte sur ce de ceux a
 " que j'auray donnay le charge de trayter avecque eux de

" par moy & ceulx , a condition de ce marier ou allier en
" la dite mayson ou par leur avis."

Follow near two pages of particular legacies.

" Et le remets ma tante de Lenox au droit quelle peut
" pretendr a la conté d'Angous avant l'Acort fait par mon
" commandement entre ma dite tante de Lenox & le
" comte de Morton , veu quil a esté fait & par le feu roy
" mon Mary & moy , sur la promesse de sa fidelle assistance , si
" luy & moy encourions dangier & besoign d'ayde , ce qu'il
" rompit , s'entendant secrètement au les nos ennemis rebel-
" les , qu'attemtprient contre sa vie , & pour cest effect pris
" les armes , & ont porté les bannieres desployées , contre
" nous , je revoque aussi tout autre don que je luy ai fait de
" conté de Morton sur promesses de ses bons services a adve-
" nir , & entends que la dite Conté soit reunie a la couronne ,
" si elle se trouve y partenir , comme ses trahisons tant en la
" mort de mon feu Mary , que en mon banissement , &
" poursuit de la mien ne l'ont merité . Et defends a mon
" filz de ce jamays servire de luy pour la hayne qu'il aye
" a ses parents , la quelle je crains ne s'estende jusques a
" luy , le connoissant du tout affectionné aux ennemis de
" mon droite en ce royaume , du quel il est penceunnaire .

" Je recommande mon nepveu Francois Stuart a mon
" filz , et lui commande detenir pres de luy et s'enservir ,
" et je lui laisse le bien du conte de Boduel son oncle ,
" en respect qu'il est de mon sang , mon filleul , et ma
" esté laisse en tutelle par son pere .

" Je declare que mon frere bastard Robert Abbé de St.
" Croix n'a eu que par circonvention Orkenay , et que le
" ne fut jamays mon intention , comme il apert par la re-
" vocation que j'ay fayte depuys , et eté aussi faite d'avant
" la auge de xxv. ans , ce que j'aimois deliberer si il ne
" m'eussent prenner par prison de se de defayre auxx estats
" je veulx donc que Orkenay soit reunie a la couronne
" comme une de plus necessaires pour mon filz , & sans
" mayson ne pourra etre bien tenue .

" Le filles de Morra'ne parvient accessi heriter, ains
" revient la contè a la Couronne, si il luy plest luy don-
" ner sa ou fille en mariage, et il nome l'ensiennne
" lignie.

N°. XXXIV. (Vol. II. p. 327.)

A letter from Mr. Archibald Douglas to the Queen of Scotts".

PLEASE your majesty, I received your letter of the date the 12th of Nov. and in like manner has seen some part of the contents of one other of the same date, directed to Mons. de Movisir, ambassador for his majesty the most Christian king, both which are agreeable to your princely dignity, as by the one your highness desires to know the true cause of my banishment, and offers unto me all favour if I should be innocent of the heinous facts committed in the person of your husband of good memory, so by the other the said ambassador is willed to declare unto me, if your husband's murder could be laid justly against me, that you could not sollicit in my cause, neither yet for any person that was participant of that execrable fact, but would seek the revenge thereof, when you should have any means to do it; your majesty's offer, if I be innocent of that crime, is most favourable, and your desire to know the truth of the same is most equitable; and therefore that I should with all my simplicity, sincerity and truth answer thereunto is most reasonable, to the end that your princely dignity may be my help, if my innocence shall sufficiently appear, and procure my condemnation, if I be culpable in any matter, except in the knowledge of the evil disposed minds of the most part of your nobility against your said husband, and not revealing of it; which I am assured was sufficiently known to himself, and to all that had judgment

never so little in that realme; which also I was constrained to understand, as he, that was specially employed betwixt the earl Morton, and a good number of your nobility, that they might with all humility intercede at your majesty's hand for his relief, in such matters as are more specially contained in the declaration following, which I am constrained for my justification, by this letter to call to your majesty's remembrance. Notwithstanding that I am assured, to my grief, the reading thereof will not smally offend your princely mind. It may please your majesty to remember, that in the year of God, 1566, the said earl of Morton, with divers other nobility and gent. were declared rebels to your majesty, and banished your realme for insolent murder committed in your majesty's own chamber, which they alledged was done by command of your husband, who notwithstanding affirmed that he was compelled by them to subscribe the warrant given for that effect, howsoeuer the truth of that matter remains amongst them; It appertains not to me at this time to be curious; true it is that I was one of that number, that heavily offended against your majesty, and passed into France the time of our banishment, at the desire of the rest, to humbly pray your brother the most Christian king to intercede that our offences might be pardoned, and your majesty's clemency extended towards us, albeit divers of no small reputation, in that realme, was of the opinion, that the said fact merited neither to be requisite for, nor yet pardoned. Always such was the careful mind of his majesty towards the quietnes of that realm, that the dealing in that cause was committed to Mons. de Movisir, who was directed at that time to go into Scotland, to congratulate the happy birth of your son, whom Almighty God of his goodness may long preserve in happy estate and perpetual felicity; the careful travail of the said de Movisir was so effectual, and your majesty's mind so inclined to mercy, that within shott space thereafter, I was permitted to repair in Scotland, to deal with earls Murray, Athol, Bodvel, Arguile, and secretary Ledington, in the name and behalf of the said earl Morton, lords Reven,

Lindsay, and remanent complexis, that they might make offer in the names of the said earl, of any matter that might satisfy your majesty's wrath, and procure your clemency to be extended in their favours; at my coming to them, after I had opened the effect of my message, they declared that the marriage betwixt you and your husband had been the occasion already of great evil in that realme, and if your husband should be suffered to follow the appetite and mind of such as was about him, that kind of dealing might produce with time worse effects; for helping of such inconvenience that might fall out by that kind of dealing, they had thought it convenient to join themselves in league and band with some other noblemen, resolved to obey your majesty as their natural sovereign, and have nothing to do with your husband's command whatsoever, if the said earl would for himself enter into that band and confederacy with them, they could be content to humbly request and travel by all means with your majesty for his pardon, but before they could any farther proceed, they desired to know the said earl's mind herein; when I had answered, that he nor his friends, at my departure, could not know that any such like matter would be propnit, and therefore was not instructed what to answer therein, they desired that I should return sufficiently instructed in this matter to Sterling, before the baptism of your son, whom God might preserve; this message was faithfully delivered to me at Newcastle in England, where the said earl then remained, in presence of his friends and company, where they all condescended to have no farther dealing with your husband, and to enter into the said band. With this deliberation I returned to Sterling, where at the request of the most Christian King and the Queen's majesty of England by their ambassadors present, your majesty's gracious pardon was granted unto them all, under condition always that they should remain banished forth of the realme, the space of two years, and farther during your majesty's pleasure, which limitation was after mitigated at the humble request of your own nobility, sa.

that immediately after the said earl of Morton repaired into Scotland to Quhittingaime, where the earl of Bodvell and secretary Ledington come to him; what speech passed there amongst them, as God shall be my judge, I knew nothing at that time, but at their departure I was requested by the said earl Morton to accompany the earl Bodvell and secretary to Edinburgh, and to return with such answer as they should obtain of your majesty, which being given to me by the said persons, as God shall be my judge, was no other than these words, " Schaw to the earl Morton " that the Queen will hear no speech of that matter ap- " pointed unto him;" when I craft that the answer might be made more sensible, secretary Ledington said, that the earl would sufficiently understand it, albeit few or none at that time understand what passed amongst them. It is known to all men, als veill be railling letters passed betwixt the said earl and Ledington when they become in divers factions, as also ane buck set furth by the ministers wherein they affirm that the earl of Morton has confessed to them, before his death, that the earl Bodvell come to Quhittingaime to prepon the calling away off the king your husband, to the which proposition the said earl of Morton affirms that he could give no answer unto such time he might know your majesty's mind therein, which he never received. As to the abominable murder, it is known too by the depositions of many persons that were executed to the death for the committing thereof, that the same was executed by them, and at the command of such of the nobility, as had subscrivit band for that effect; by this unpleasant declaration, the most part thereof known to yourself, and the remainder may be understood by the aforesaid witnesses that was examined in torture, and that are extant in the custody of the ordinary judges in Scotland, my innocency so far as may concern any fact does appear sufficiently to your majesty. And as for my dealing aforesaid, I can be no otherwise charged therein, but as what would accuse the vessel that preserves the vine from harm, for the intemperancy of such as inmoderately use the same. As for the special cause of

my banishment, I think the same has proceeded upon ane opinion conceived, that I was able to accuse the earl of Morton of so much matter as they alledge himself to have confessed before he died, and would not be induced, for losf of reputation, to perform any part thereof. If this be the occasion of my trouble, as I suppose it is, what punishment I should deserve, I remit me to your majesty's better judgment, who well knows how careful ever ilk gentleman should be of his fame, reputation and honour, and how far ever ilk man should abhor the name of a pultroun, and how indecent it would have been to me to accuse the earl of Morton, being so near of his kin, notwithstanding all the injuries I was constrained to receive at his hand all the time of his government, and for no other caufe, but for shewing of particular friendship to particular friends in the time of the last cruel troubles in Scotland. Sorry I be now to accuse him in any matter being dead, and more sorry that being on lyff, be such kind of dealing obtained that name of Ingrate. Always for my own part I have been banished my native country those three years and four months, living in anxiety of mind, my holl guds in Scotland, whjch were not small, intermitte and disposit upon, and has continually since the time I was relieved out of my last troubles at the desire of Mons^r. de Movisir, attended to know your majesty's pleasure, and to wait upon what service it should please your majesty for to command. Upon the 8th of April inst. your good friend secretary Walsingham has declared unto me, that her highnes thot it expedient that I should retire myself where I pleased, I declared unto him I had no means whereby I might perform that desire, till such time as I should receive it from your majesty. Neither knew I where it would please your highnes to direct me, until such time as I should have received further information from you. Upon this occasion, and partly by permission, I have taken the hardrefs to write this present letter, whereby your majesty may understand any part of my troubles past, and strait present. As to my intention future, I will never deny that I am fully re-

solved to spend the rest of my days in your majesty's service, and the king your son's, wheresoever I shall be directed by your majesty, and for the better performing thereof, if so shall be her majesty's pleasure, to recommend the tryal of my innocency, and examination of the verity of the preceding narration, to the king your son, with request that I may be pardoned for such offences as concerned your majesty's service, and was common to all men the time of his lesseigne and perdonit to all, except to me, I should be the bearer thereof myself, and be directed in whatsoever service it should please your majesty for to command. Most humble I beseech your majesty for to consider hereof, and to be so gracious as to give order, that I may have means to serve your majesty according to the sincerity of my meaning, and so expecting your majesty's answer, after the kissing your hand with all humility, I take leave from London.

N^o. XXXV. (Vol. II. p. 335.)

A letter from Sir Amias Pawlet ^{**}.

S I R,

I Did forbear, according to your direction signified in your letters of the fourth of this present, to proceed to the execution of the contents of Mr. Waade's letters unto you, for the dispersing of this lady's unnecessary servants, and for the sealing of her money, wherein I was bold to write unto you my simple opinion (although in vain as it now falleth out), by my letters of the 7th of this instant, which I doubt not are with you before this time; - but upon the receipt of your letters of the 5th which came not unto my hands until the 8th in the evening, by reason, as did appear by indorsement, that they had been mistaken; and

^{**} Origin. Cal. C. p.

were

were sent back to Windsor , after they were entered into the way towards me , I considered , that being accompanied only by my own servants , it might be thought that they would be intreated to say as I would command them , and therefore I thought good , for my better dilcharge in these money-matters , to crave the assistance of Mr. Richard Baggot , who repairing unto me the next morning , we had access to this Queen , whom we found in her bed , troubled after the old manner with a defluxion , which was fallen down into the side of her neck , and had bereft her of the use of one of her hands , unto whom I declared , that upon occasion of her former practices , doubting lest she would persist therein by corrupting underhand some bad members of this state , I was expressly commanded to take her money into my hands , and to rest answerable for it , when it shall be required : advising her to deliver the said money unto me with quietness . After many denials , many exclamations , and many bitter words against you (I say nothing of her railing against myself) , with flat affirmation that her majesty might have her body , but her heart she should never have , refusing to deliver the key of the cabinet , I called my servants , and sent for bars to break open the door , whereupon she yielded , and causing the door to be opened , I found there in the coffers , mentioned in Mr. Waade's remembrance , five rolls of canvas , containing five thousand French crowns , and two leather bags , whereof the one had , in gold , one hundred and four pounds two shillings ; and the other had three pounds in silver , which bag of silver was left with her , affirming that she had no more money in this house , and that she was indebted to her servants for their wages . Mr. Waade's note maketh mention of 3 rolls left in Curle's chamber , " wherein , no doubt , he was misreckoned , which is evident as well by the testimonies and oaths of diverse persons , as also by probable conjectures ; so as in truth we found only two rolls , every o which containeth one thousand crowns , which was this Queen's gift to Curle's wife at her marriage . There is found in

" Curle can tell you the truth of this matter .

Naw's chamber, in a cabinet, a chain worth by estimation one hundred pounds, and in money, in one bag nine hundred pounds, in a second bag two hundred fourscore and six pounds eighteen shillings. All the forefaid parcels of money are bestowed in bags, and sealed by Mr. Richard Baggot, saving five hundred pounds of Naw's money, which I reserve in my hands, for the use of this housheld, and may be repayed at London, where her majesty shall appoint, out of the money, received lately by one of my servants, out of the Exchequer. I feared lest the people might have dispersed this money in all this time, or have hidden the same in some secret corners; for doubt whereof, I had caused all this Queen's family, from the highest to the lowest, to be guarded in the several places where I found them, so as yff I had not found the money with quietnes, I had been forced to have search first all their lodgings, and then their own persons. I thank God with all my heart, as for a singular blessing, that that falleth out so well, fearing lest a contrary success might have moved some hard conceits in her majesty.

Touching the dispersing of this Queen's servants, I trust I have done so much, as may suffice to satisfy her majesty for the time, wherein I could not take any absolute course, until I heard again from you, partly because her majesty, by Mr. Waade's letter, doth refer to your consideration to return such as shall be discharged to their several dwellings and countries, wherein, as it seemeth, you have forgotten to deliver your opinion; partly, for that as yet, I have received no answer from you, of your resolusion, upon the view of the Scottish family sent unto you; what persons you will appoint to be dismift; only this I have done, I have bestowed all such as are mentioned in this bill inclosed in three or four several rooms, as the same may suffice to contain them, and that their meat and drink shall be brought unto them by my servants. It may please you, to advertise me by your next letters, in what sort, and for what course, I shall mak. their passports, as also, if they shall say that they are unpaid of their wages, what I shall do therein. It is said that they have been accustomed to be paid of their

wages at Christmas, for the whole year.^{**} Her majesty's charge will be somewhat diminished by the departure of this people, and my charge by this occasion, will be the more easy. But the persons, all save Bastian, are such silly and simple souls, as there was no great cause to fear their practices, and upon this ground, I was of opinion, in my former letters, that all this disunited train should have followed their mistress, until the next remove, and there to have been discharged upon the sudden, for doubt that the said remove might be delayed, yf she did fear, or expect any hard measure.

Others shall excuse their foolish pity as they may; but for my part, I renounce my part of the joys of heaven, yf in any thing that I have said, written or done, I have had any other respect than the furtherance of her majesty's service; and so I shall most earnestly pray you to affirm for me, as likewise for the not seasing of the money by Mr. Manners, the other commissioners and myself. I trust Mr. Waade hath answered, in all humble duties, for the whole company, that no one of us did so much as think that our commission reaching only to the papers, we might be bold to touch the money, so as there was no speech of that all to my knowledge, and as you know I was no commissioner in this search, but had my hands full at Tyxall, discreet servants are not hastily to deal in great matters, without warrant, and especially where the cause is such as the delay of it carried no danger.

Your advertisement of that happy remove hath been greatly comfortable unto me. I will not say, in respect of myself, because my private interest hath no measure of comparison with her majesty's safety; and with the quiet of this realme, God grant a happy and speedy yssue to these good and godly councels; and so I commit you to his merciful protection. From Chartley the 10th of September 1586.

^{**} This lady hath good store of money at present in the French Ambassador's hands.

N^o. XXXVI. (Vol. II. p. 349.)

• Letter from the king of Scotts to Mr. Archibald Douglas his ambassador in England, October, 1586 ¹¹.

RESEERVE up yourself na langer in the earnest dealing for my mother, for ye have done it too long; and think not that any your travellis can do goode if hir life be taken, for then adeu with my dealing with thaime that are the special instrumentis thairof; and theirfore, gif ye looke for the contineuance of my favour towartis you, spair na pains nor plainnes in this cace, but redde my letter wrettin to Williame Keith, and conform yourself quhollie to the contentis thairof, and in this request let me reap the fructis of your great credit there, ather now or never. Fairwell. October, 1586.

Letter to sir William Keith, ambassador in England, probably from secretary Maitland. Nov. 27, 1586 ¹².

BY your letters sent by this bearer, (albeit concerning no pleasanter subject) his majesty conceives well of your earnestness and fidelity in your negotiations, as also of Mr. Archibald's activity and diligence, whom you so greatly praise and recommend. I wish the issue correspond to his Majesty's opinion, your care and travell, and his great diligence as you write. His majesty takes this rigorous proceeding against his mother deeply in heart, as a matter greatly concerning him both in honour and otherwise. His highnesses actions and behaviour utter

¹¹ Cott. Lib. Calig. C. 9. An Original in the king's hand.

¹² A Copy in the collect^o of sir A. Dick. Vol. A. fol. 219.

plainly not only how far nature prevails, but also how he apprehends of the sequel of that process, and of what moment he esteems it. There is an ambassage shortly to be directed, wherein will be employed an earl and two counsellors, on whose answer will depend the continuance or dissolution of the amity and good intelligence between the princes of this isle. In the mean season, if farther extremity be used, and his majesty's suit and request disdained, his highness will think himself dishonoured and contemned far besides his expectation and deserts. Ye may perceive his majesty's disposition by his letter to you, which you shall impart to Mr. Archibald, and both deal according thereto. I need not to recommend to your care, concerning your master's service both in weill and in honour. As you and your colleague shall behave yourself in this behalf, so for my own part, will I interpret your affection to your master. I am glad of that I hear of yourself, and I do fully credit that you write of Mr. Archibald, whose friends here make great account of his professed devotion to the Queen, besides the duty he owes to the king's majesty her son. Farther I am constrained to remit to next occasion, having scarce time to scribble these few lines (which of themselves may bear witness of my haste). Wishing you a prosperous issue of your negotiation, I commit you, &c. Halyrudhouse, Novr. 27th, 1586.

The people, and all estates here are so far moved by the rigorous proceedings against the Queen, that his majesty, and all that have credit are importuned, and may not go abroad for exclamations against them, and imprecations against the Queen of England.

N^o. XXXVII. (Vol. II.) p. 352.

To the king's majesty, from Mr. Archibald Douglas ¹⁶.

PLEASE your majesty, I received your letter of the date the 28th of September, the 5th of October, which was the same day that I directed W^m. Murray towards your highness, by such letters as he carried, and others of several dates, your majesty may perceive that I had omitted nothing so far as my travel might reach unto, anent the performing of the two chief points contained the said letter befor the receipt thereof, which by these presents I must repeat for answering of the saidis. As to the first, so far as may concern the interceding for the Queen your majesty's mother her life, I have divers times and in every audience travelled with this Queen in that matter, specially to know what her full determination must be in that point, and could never bring her to any further answer, but that this proceeding against her by order of justice was no less against her mind, than against their will that loved her best: as towards her life she could give no answer thereunto, untill such time as the law hath declared whether she was innocent or guilty. Herewithal it was her pleasure thus far to inform me, that it was a number of the associants that earnestly pressed her that the law might proceed against her, giving reasons that so long as she was suffered to deal in matters, so long would never this realme be in quiet, neither her life, neither this state in assurance, and in the end they used this protestation that if she would not in this matter follow their advice, that they should remain without all blame whatsoever should fall out; whereupon she had granted them liberty to proceed, lest such as had made the request, might

¹⁶ 16 Oct. 1586. From the Original in the coll^{ns} of Sir A. Dick.
Vol. B. fol. 324.

hereafter have charged herself with inconvenience if any should happen.

And by myself I know this her speech to be true, because both papist and protestant has behaved them, as it hath been her pleasure to declare, but upon divers respects, the one to avoid suspicion that otherwise was conceived against them, the other upon zeal, and care that they will be known to have for preservation of their sovereign's life and state in this perilous time, upon consideration whereof, I have been constrained to enter into some dealing with both, wherewith I made her majesty acquainted; the protestants, and such as in other matters will be known to bear no small favour unto your majesty's service, hath prayed that they may be excused from any dealing in the contrary of that, which by their oath they have avowed, and by their speech to their sovereign requested for, and that before my coming in this country; if they should now otherwise do, it would produce no better effect but to make them subject to the accusation of their sovereign, when it should please her to do it, of their inconstancy, in giving counsell whereby they might incur the danger of ill councellors and be consequent worthy of punishment. Such of the papists, as I did deal with, went immediately, and told her majesty what I had spoken to them, who albeit she understood the matter of before, sent for me and declared to me my own speech that I had uttered to them, willing me for the weil of my maister's service to abstain from dealing with such, as were not yet sufficiently moved to think of my master as she did. I craved leave of her majesty, that I might inform them of your majesty's late behaviour towards her, and the state of this realme, whereunto with some difficulty she gave her consent. At my late departure from court, which was upon the 5th of this instant, and the day after that the lords of this grand jury had taken their leaves of her majesty to go northward to Fothringham, it was her pleasure to promise to have further speech in this matter at the returning of the said lords, and to give full answer according to your majesty's contentment to the

remainder matters, that I had proponit in name of your majesty. As to the 2d part concerning the association, and desire that the promise made to the master of Gray concerning your majesty's title may be fulfilled; it appears by the said letter, that the very point, whereupon the question that may bring your majesty's title in doubt hath not been rightly at the writing of the said letter considered, which I take to have proceeded for lack of reading of the act of parliament, wherein is fulfilled all the promise made by the Queen to the said master, and nothing may now cause any doubt to arise against your said title, except that an opinion should be conceived by these lords of this parliament that are so vehement at this time against the Queen your majesty's mother, that your majesty is, or may be proved hereafter ascending to her proceedings, and some that love your majesty's service were of that opinion that too earnest request might move a ground, whereupon suspicions might grow in men so ill affected in that matter, which I tho't might be helped by obtaining of a declaration in parliament of your majesty's innocence at this time, and by reason that good nature and public honesty would constrain you to intercede for the Queen your mother, which would carry with itself, without any further, some suspicion that might move ill affected men to doubt. In my former letters I humbly craved of your majesty that some learned men in the laws, might be moved to advise with the words of the association, and the mitigation contained in the act of parliament, and withall to advise what suspicious effects your majesty's request might work in these choleric men at this time, and how their minds might be best moved to receive reason; and upon all these considerations they might have formed the words of a declarator of your majesty's innocence to be obtained in this parliament, and failing thereof, the very words of a protestation for the same effect that might best serve for your majesty's service, and for my better information. Albeit this was my simple opinion, I shall be contented to follow any direction it shall please your majesty to give; I have already opened the substance hereof to the Queen of his realme, who seems not to be

offended herewith , and hath granted liberty to deal therein with such of the parliament as may remain in any doubt of mind. This being the sum of my proceedings in this matter, besides the remainder , contained in other letters of several dates , I am constrained to lay the whole open before your majesty , and to humbly pray that full information may be sent unto me what further to do herein ; in this middle time , while I shall receive more ample direction I shall proceed and be doing according to such direction as I have already received. And so , most gracious sovereign , wishing unto your majesty all happy success in your affairs , I humbly take my leave from London , 16th of Oct^r. this 1586. Your majesty's most humble subject and obed^t servant.

A memorial for his majesty by the master of
Gray ".

IT will please your majesty , I have tho't meeter to set down all things as they occur , and all advertisements as they come to my ears , then jointly in a lett^re.

I came to Vare the 24th of Dec^r , and sent to W^m. Keith , and Mr. Archibald Douglas to advertise the Queen of it , lik as they did at their audience. She promised the Queen your majesty's mother's life should be spared till we were heard. The 27th they came to Vare to me , the which day Sir Rob^t came to Vare , where they shewed us how far they had already gone in their negociation , but for that the discourse of it is set down in our general letter , I remit me to it , only this far I will testify unto your majesty that W^m. Keith hath used himself right honestily and wisely till our coming , respecting all circumstances , and chiefly his colleague his dealing , which indeed is not better than your majesty knows already.

The 29th day of Dec^r. we came to London , where

" 12 Jan. 1586. An Original in his own hand in the collect. of Sir A. Dick. Vol. A. fol. 222.

we were no ways friendly received , nor after the honest
sort it has pleased your majesty use her ambassadors ; never
man sent to welcome or convey us . The same day we
understood of Mr. de Bellievre his leave taking , and for
that the custom permitted not , we sent our excuses by Mr.
George Young .

The 1st day of Jany. W^m. Keith and his colleague
according to the custom sent to crave our audience . We
received the answer contained in the general letter , and
could not have answer till the 6th day , what was done
that day your majesty has it in the general , yet we was
not out of esperance at that time , albeit we received hard
answers .

The 8th day we speak with the earl of Leicester , where
our conference was , as is set down in the general . I re-
marked this , that he that day said plainly the detaining
of the Queen of Scotland prisoner was for that she pre-
tended a succession to this crown . Judge then by this , what
is tho't of your Majesty as ye shall hear a little after .

The 9th day we speak with the French ambassador , whom
we found very plain in making to us a wise discourse of all
his proceedings , and Mr. de Bellievre we thanked him in
your majesty's name and opened such things as we had to
treat with this Queen , save the last point , as more largely
set down by our general .

It is tho't here , and some friends of your majesty's ad-
vised me , that Bellievre his negociation was not effectual ,
and that the resident was not privy to it , as indeed I
think is true , for since Bellievre his perting , there is a talk
of this Chasteauneuf his servants taken with his whole papers
and pacquets , which he was sending in France for that they
charge him with a conspiracy of late against the Queen
here her life . It is alledged his servant has confessed the
matter , but whom I shall trust I know not , but till I see
proof I shall account him an honest man , for indeed so he
appears , and one (without doubt) who hath been very
instant in this matter . I shew him that the Queen and earl
of Leicester had desired to speak with me in private , and

craved his opinion ; he gave it freely that he tho't it meetest, I shew him the reason why I communicate that to him, for that I had been suspected by some of her majesty's friends in France to have done evil offices in her service, that he should be my witness that my earnest dealing in this should be a sufficient testimony that all was lies, and that this knave Naué who now had betrayed her, had in that done evil offices ; he desired me, seeing she saw only with other folks eyes, that I should no ways impute it to her, for the like she had done to himself by Naué his persuasion. I answered he should be my witness in that.

The 9th day we sent to court to crave audience, which we got the 10th day ; at the first, she said a thing long looked for should be welcome when it comes, I would now see your master's offers. I answered, no man makes offers but for some cause; we would, and like your majesty, first know the cause to be extant for which we offer, and likewise that it be extant till your majesty has heard us. I think it be extant yet, but I will not promise for an hour, but you think to shift in that fort. I answered we mind now to shift, but to offer from our sovereign all things that with reason may be ; and in special, we offered as is set down in our general, all was refused and tho't nothing. She called on the three that were in the house, the earl of Leicester, my lord admiral, and chamberlain, and very despitefully repeated all our offers in presence of them all. I opened the last part and said, Madam, for what respect is it that men deal against your person or estate for her cause? She answered, because they think she shall succeed to me, and for that she is a papist ; appearingly said I both the causes may be removed, she said she would be glad to understand it. If Madam, said I, all that she has of right of succession were in the king our sovereign's person, were not all hope of papists removed ? She answered, I hope so. Then Madam I think the Queen his mother shall willingly demit all her rights in his person. She answered she hath no right, for she is declared unhabil. Then I said, if she have no right, appearingly the hope ceases

already, so that it is not to be feared that any man attempt for her. The Queen answered, but the papists allow not our declaration; then let it fall, says I, in the king's person by her assencion. The earl of Leicester answered, she is a prisoner, how can she demit? I answered the demission is to her son, by the advice of all the friends she has in Europe, and in case, as God forbid, that any attempt cuttis the Queen here away, who shall party with her to prove the demission or assencion to be ineffectual, her son being opposite party and having all the princes her friends for him, having bonded for the efficacy of it with his majesty of before. The Queen made as she could not comprehend my meaning, and sir Robt opened the matter again, she yet made as tho' she understood not. So the earl of Leicester answered that our meaning was, that the king should be put in his mother's place. Is it so, the Queen answered, then I put myself in a worse case than of before; by God's passion, that were to cut my own throat, and for a dutchy, or an earldom to yourself, you or such as you would cause some of your desperate knaves kill me. No, by God, he shall never be in that place. I answered he craves nothing of your majesty but only of his mother. The earl of Leicester answered that were to make him party to the Queen my mistress. I said, he will be far more party, if he be in her place thro' her death. She would stay no longer, but said she should not have a worse in his mother's place. And said, tell your king what good I have done for him in holding the crown on his head since he was born, and that I mind to keep the league that now stands between us, and if he break it shall be a double fault, and with this minded to have bidden us a farewell; but we achieveit (i. est. finished arguing upon this point). And I spake craving of her that her life may be spared for 15 days; she refused. Sir Robt craved for only eight days, she said not for an hour; and so geid her away. Your majesty sees we have delivered all we had for offers, but all is for nothing, for she and her council has laid a determination that they mind to follow forth, and I see it comes rather

of her councel than herself, which I like the worse ; for without doubt, sir, it shall cut off all friendship ye had here. Altho' it were that once they had meanted well to your majesty , yet remembering themselves, that they have medled with your mother's blood , good faith they cannot hope great good of yourself , a thing in truth I am sorry for ; further your majesty may perceive by this last discourse of that I proponit , if they had meanted well to your majesty , they had used it otherwise than they have done , for reason has bound them. But I dare not write all. I mind something to speak in this matter , because we look shurly our letters shall be truslit by the way.

For that I see private credit nor no means can alter their determination , altho' the Queen again and the earl of Leicester has delrid to speak with me in particular ; I mind not to speak , nor shall not ; but assuredly shall let all men see that I in particular was no ways tyed to England , but for the respect of your majesty's service. So albeit , at this time , I could not effectuate that I desired , yet my upright dealing in it shall be manifested to the world. We are , God willing , then to crave audience , where we mind to use sharply our instructions , which hitherto we have used very calmly , for we can , for your honour's cause , say no less for your majesty , than the French ambassador has said for his master.

So I pray your majesty consider my upright dealing in your service , and not the effect , for had it been doable (i. e. possible to be done) by any I might have here had credit , but being I came only for that cause I will not my credit shall serve here to any further purpose. I pray God preserve your majesty and send you a true and sincere friendship. From London this 12th of Jan. 1586.

I understand the Queen is to send one of her own to your majesty.

To the right hon. my lord vice-chancellor and secretary to his majesty, from the master of Gray".

MY lord, I send you these lines with this inclosed to his majesty, whereby your lordship shall understand how matters goes here. And before all things I pray your lordship move his majesty to respect my diligence, and not the effect in this negociaction, for I swear if it had been for the crown of England to myself I could do no more, and let not unfriends have advantage of me, for the world shall see that I loved England for his majesty's service only. I look shortly to find your lordship friend as ye made promise, and by God I shall be to you if I can. W^m. Keith and I devyfed, if matters had gone well, to have run a course that your lordship might have here been in credit and others disappointed, but now I will do for you as for myself; which is to care for no credit here, for in conscience they mean not honestly to the king our soveraign, and if they may, he will go get his mother is gone or shortly to go, therefore my lord without all kind of scruple I pray you to advise him the best is not this way. They say here, that it has been said by one who heard it from you, that ye desired not the king and England to agree, because it would rack the noblemen, and gave an example of it by king James the fourth, I answered in your name that I was assured you never had spoken it. Mr. Archibald is the speaker of it, who I assure your lordship has been a poison in this matter, for they lean very mickle to his opinion. He cares not, he says, for at length the king will be fain to deal this way, either by fair means or necessity, so that when he deals this course he is assured to be welcome; to set down all that is past of the like purposes, it would consume more paper than I have here, so I defer

" 12th Jan. 1586, an Original in the Collect. of sir A. Dick,
Vol. A. fol. 179.

it to meeting. There is a new conspiracy alledged against the Queen to have been intended, for the French ambassador resident three of his men taken, but I think in the end it shall prove nothing. Mr. Stafford who is ambassador for this Queen in France, is touched with it, his brother is taken here, always it has done this harm in our negociation that all this council would not move this Queen to meddle with the Queen of Scotland's blood, till this invention was found forth. I remit all other things to the inclosed. We minded to have sent to his majesty a discourse, which we have set down of all our proceedings since our hither coming, but we are surely advertized that the bearer is to be trussed by the way for our pacquets, so that we defer it till our own coming; this I have put in a privy part beside the pacquet. We shall I think take leave on Fryday the 13th day, where we mind exactly to follow the rigour of our instructions, for it cannot stand with the king's honour that we say less than the French ambassador, which was, le roy mon maistre ne peult moins faire que se resentir. So that about the 24th I think we shall, God willing, be at home except that some stay come which we look not for. The Queen and the earl of Leicester has desired to speak with me. I refused save in presence of my colleagues, by reason I see a determination which particular credit cannot help, and I crave no credit but for that cause. It will please your lordship retire the inclosed from his majesty and keep it. So after my service commended to yourself and bedfellow, I commit you to God. From London the 12th of Jan. 1586.

To the king's majesty, from sir Robert Melvil ¹.

IT may please your majesty, since the direction of our former letters, we had audience, and her majesty appeared to take our overtures in good part in presence of her council; albeit no offers could take place with them, having

¹ 20th Jan. 1586. An Original in his own hand, in the collec.
of Sir A. Dick. Vol. A. fol. 181.

taken resolution to proceed with extremity, not the less it pleased her majesty to desire us to stay for two days on taking our leave, untill she had advised upon our propositions; since which time, her majesty is become more hard by some letters (as we are informed) has come from Scotland, making some hope to believe that your majesty takes not this matter to heart, as we know the contrary in effect, and had of before removed the like opinion out of her majesty's mind, which by sinister information was credited, thir reports has hindered our commiffion, and abused this Queen, fearing in like manner we shall be stayed until answer come from Scotland by such person as they have intelligence of. And albeit that it will be well enough known to all men how heavily your majesty takes this proceeding to heart, the truth is, that they have by this occasion so persuaded the Queen, that it is like to hinder our negotiation. As also Alchinder (*i. e.* Alexander) Steward is to be directed in their party, by our knowledge, who has awantyt more of his credit, than I believe he may perform, and we wreath him to desist from this dealing, saying it does harm, and he is not meet for that purpose, remitting to your majesty's good discretion to take order herein as we shall be answerable to your majesty not to omit any point we have in charge, as the truth is, the master of Grhaye has behaved himself very uprightly and discreetly in this charge, and evil tayne with be divers in these parts who were of before his friends. We have been behalding to the menstrals who has born us best company, but has not been troubled with others. Wylzeme Kethe hath left nothing undone that he hath in charge. As for master Archibald he has promised at all times to do his deuoyr, wherein he shall find true report made to your majesty, craving pardon of your majesty that I have been so tedious, after I have kisst your majesty's hand I humbly take my leave. Praying God to grant your majesty many good days and happy, in whose protection I commit your majesty at London, the 20th of Jan. 1586.

SIR,

S I R .

ALBEIT Master George has not been in commission he is not inferior in his service to any of us, as well by his good advice and diligent care he takes for the advancement of your service, wherein we have not been a little furthered.

To the king's majesty, from the master of Gray
and Sir Robert Melvill ¹.

PLEASE it your majesty in the last audience we had, since our last advertisement by W^m Murray, we find her majesty at the resuming our offers something nitigated, and inclined to consider more deeply of them, before we got our leave, at our reasoning, certain of the council, namely, my lord Leicester, sir Christopher Hatton, my lord Hunsdon, and my lord Hawart being present in the chamber, gave little shew of any great contentment to heare from her former resolution, now cassin in perplexitie what she should do, always we left her in that state, and since have daily pressed conference with the whole council, which to this hour we have not yet obtained. This day we have sent down to crave our leave. The greatest hinder which our negotiation has found hitherto is a persuasion they have here that either your majesty deals superficially in this matter, or that with time ye may be moved to digest it, which when with great difficulty we had expugnit, we find anew that certain letters written to them of late from Scotland has found some place of credit with them in our contrare. So that resolving now to clear them of that doubt by a special message, they have made choice of Sir Alexander Stewart to try your highness's meaning in it, and to persuade your majesty to like of their proceedings, where from no terror we can say out unto him is able to divert him, he has given out that he has credic with your majesty, and that he doubts not to help this matter

¹ 21st Jan. 1586. An Original in the coll. of sir A. Dick. Vol. A. fol. 180.

at your highness's hand. If he come there that errand, we think your majesty will not oversee the great disgrace that his attempts shall give us here, if he be not tane order with before that he be further heard, and if so be that any other be directed (as our intelligence gives us there shall) our humble suit is to your majesty, that it may please your highness to hear of us what we find here, and at what point we leave this matter with her majesty, before that they find accidence, the causes whereof remitting to our private letters. We commit your majesty for the present to God's eternal protection. From London this 21st of Jan. 1586.

N^o. XXXVIII. (Vol. II. p. 360.)

Copy of a letter from the earls of Shrewsbury and Kent, &c. touching their proceedings with regard to the death of the Scottish Queen, to her majesty's council.

IT may please your hon^{ble} good lordships to be advertised, that, on Saturday the 4th of this present, I Robert Beale came to the house of me the earl of Kent in the county of —— to whom your lordships letter and message was delivered, and her majesty's commission shewn; whereupon I the earl forthwith sent precepts for the staying of such hues and crie as had troubled the country, requiring the officers to make stay of all such persons, as should bring any such warrants without names, as before had been done, and to bring them to the next justice of peace, to the intent that, upon their examination, the occasion and causes of such seditious brutes might be bolted out and known. It was also resolved that I the said earl of Kent should, on the Monday following, come to Lylyford to Mr. Elmes, to be the nearer and readier to confer with my lord of Shrewsbury. Sonday at night, I Robert

Beale came to Fotheringay, where after the communicating the commission, &c. unto us sir Amice Pawlet and sir Drue Drury, by reason that sir A. Pawlet was but late recovered and not able to repair to the earl of Shrewsbury, being then at Orton, six miles off; it was thought good that we sir Drue Drury and Robert Beale should go unto him, which we did on —— morning; and together with the delivery of her majesty's commission, and your lordship's letter imparted unto him what both the earl of Kent and we thought meet to be done in the cause, praying his lordship hither the day following, to confer with me the said earl, concerning the same; which his lordship promised. And for the better colouring of the matter, I the said earl of Shrewsbury sent to Mr. Beale, a Justice of peace of the county of Huntingdon next adjoining, to whom I communicated that warrant, which Robert Beale had under your lordship's hands, for the staying of the hues and cries, requiting him to give notice thereof to the town of Peterborough, and especially unto the justices of peace of Huntingdonshire, and to cause the pursuers and bringers of such warrants to be stayed, and brought to the next justice of peace; and to bring us word to Fotheringay castle on Wednesday morning what he had done, and what he should in the mean time understand of the authors of such bruites. Which like order, I also sir Amias Pawlet had taken on Monday morning in this town, and other places adjoining. The same night, the sheriff of the county of Northampton upon the receipt of your lordship's letter came to Arundel, and letters were sent to me the earl of Kent of the earl of Shrewsbury's intention and meeting here on Tuesday by noon; and other letters were also sent with their lordships assent to sir Edward Montague, sir Richard Knightly, Mr. Tho. Brudenell, &c. to be here on Wednesday by eight of the clock in the morning, at which time it was thought meet that the execution should be. So upon Tuesday, we the earls came hither, where the sheriff met us; and upon conference between us it was resolved, that the care for the sending for the surgeons, and other necessary provision should be com-

mitted unto him against the time. And we forthwith repaired unto her, and first in the presence of herself and her folks, to the intent that they might see and report hereafter that she was not otherwise proceeded with than according to law, and the form of the statute made in the 27th year of her majesty's reign, it was thought convenient that her majesty's commission should be read unto her, and afterwards she was by sundry speeches willed to prepare herself against the next morning. She was also put in remembrance of her fault, the honourable manner of proceeding with her, and the necessity that was imposed upon her majesty to proceed to execution, for that otherwise it was found that they could not both stand together; and however, sithence the lord Buckhurst's his being here new conspiracys were attempted, and so would be still; wherefore since she had now a good while since warning, by the said lord and Robert Beale, to think upon and prepare herself to die, we doubted not but that she was, before this, settled, and therefore would accept this message in good part. And to the effect that no christian duty might be said to be omitted, that might be for her comfort, and tend to the salvation both of her body and soul in the world to come, we offered unto her that if it would please her to confer with the bishop and dean of Peterborough, she might; which dean, we had, for that purpose, appointed to be lodged within one mile of that place. Hereto she replied, crossing herself in the name of the Father, the Son, and the Holy Ghost, saying that she was ready to die in the catholic Roman faith, which her ancestors had professed, from which she would not be removed. And albeit we used many persuasions to the contrary, yet we prevailed nothing; and therefore, when she demanded the admittance of her priest, we utterly denied that unto her. Hereupon, she demanded to understand what answer we had touching her former petition to her majesty, concerning her papers of accounts, and the bestowing of her body. To the first we had none other answer to make, but that we thought if they were not sent before, the same might be in Mr. Waade's custody, who was now in France, and seeing her papers

could not any wise pleasure her majesty, we doubted not but that the same would be delivered unto such as she should appoint. For, for our own parts, we undoubtedly thought that her majesty would not make any profit of her things, and therefore (in our opinion) she might set down what she would have done, and the same should be imparted unto her majesty, of whom both she and others might expect all courtesy. Touching her body, we knew not her majesty's pleasure, and therefore could neither say that her petition should be denied, or granted. For the practice of Babington, she utterly denied it, and would have inferred it, that her death was for her religion; whereunto it was easies by us replied, that for many years she was not touched for religion, nor should have been now, but that this proceeding against her was for treason, in that she was culpable of that horrible conspiracy for destroying her majesty's person; which she again denied, adding further, that albeit she for herself forgave them that were the procurers of her death, yet she doubted not but that God would take vengeance thereof. And being charged with the depositions of Naué and Curle to prove it against her, she replied, that she accused none, but that hereafter when she shall be dead, and they remain alive, it shall be seen how indifferently she had been dealt with, and what measure had been used unto her; and asked whether it had been heard before this, that servants had been practised to accuse their mistress, and hereupon also required what was become of them, and where they remained.

Upon our departure from her, for that it seemed by the commission, that the charge of her was in the disposition of us the earls, we required S. Amias Paulet and S. Drue Drurie, to receive, for that night, the charge, which they had before, and to cause the whole number of soldiers to watch that night, and that her folks should be put up, and take order that only four of them should be at the execution, remaining aloof of and guarded with certain persons so as they should not come near unto her, which were Melvil her steward, the physician, surgeon, and apothecary.

Wednesday morning, after that we the earls were repaire^d unto the castle , and the sheriff had prepared all things in the hall for the execution , he was commanded to go into her chamber , and to bring her down to the place where were present , we which have signed this letter , Mr. Henry Talbot , esq; sir Edward Montague , knt. his son and heir apparent , and William Montague his brother , sir Richard Knightly , knt. Mr. Thomas Brudenel , Mr. Beuill , Mr. Robert and John Wingefield , Mr. Forrest , and Rayner , Benjamin Figgot , Mr. Dean of Peterborough , and others.

At the stairfold , she paused to speak to Melvil in our hearing , which was to this effect , " Melvil , as thou hast been an honest fervant to me , so I pray thee continue to my son , and commend me unto him . I have not impugn'd his religion , nor the religion of others , but wish him well . And as I forgive all that have offended me in Scotland , so I would that he shoul^d also ; and beseech God , that he would send him his Holy Spirit , and illuminate him ." Melvil's answer was , that he would so do , and at that instant he would beseech God to affit him with his Spirit . Then she demanded to speak with her priest , which was denied unto her , the rather for that she came with a superstitious pair of beads and a crucifix . She then desired to have her women to help her , and upon her earnest request , and saying that when other gentlewomen were executed , she had read in chronicles that they had women allowed unto them , it was permitted that she should have two named by herself , which were Mrs Curle and Kennedy . After she came to the scaffold , first , in presence of them all , her majesty's commission was openly read ; and afterwards Mr. Dean of Peterborough , according to a direction which he had received , the night before , from us the earls , would have made a godly admonition to her , to repent and dye well in the fear of God and charity to the world . But at the first entry , she utterly refused it , saying that she was catholic , and that it were a folly to move her , being so resolutely minded , and that our prayers would little avail her . Whereupon , to the intent it might appear that we , and the whole assembly , had a christian desire to

have her die well, a godly prayer, conceiv'd by Mr. Dean, was read and pronounced by us all. " That it would please Almighty God to send her his Holy Spirit and grace, and also, if it were his will, to pardon all her offences, and of his mercy to receive her into his heavenly and everlasting kingdom, and finally to bles her majesty, and confound all her enemies ; " whereof Mr. Dean, minding to repair up shortly, can shew your lordships a copy.

This done, she pronounced a prayer upon her knees to this effect, " to beseech God to send her his Holy Spirit, and that she trusted to receive her salvation in his blood, and of his grace to be received into his kingdom, be-fought God to forgive her enemies, as she forgave them; and to turn his wrath from this land, to bles the Queen's majesty, that she might serve him. Likewise to be merciful to her son, to have compassion of his church, and altho' she was not worthy to be heard, yet she had a confidence in his mercy, and prayed all the saints, to pray unto her Saviour to receive her." After this (turning towards her servants) she desired them to pray for her, that her Saviour would receive her. Then, upon petition made by the executioners, she pardoned them; and said, she was glad that the end of all her sorrows was so near. Then she disliked the whining and weeping of her women, saying, that they rather ought to thank God for her resolution, and kissing them, willed them to depart from the scaffold, and farewell. And so resolutely kneeled down, and having a kercheff banded about her eyes, laid down her neck, whereupon the executioner proceeded. Her servants were incontinently removed, and order taken that none should approach unto her corps, but that it should be embalmed by the surgeon appointed. And further her crosse, apparel, and other things are retained here, are not yielded unto the executioner for inconveniences that might follow, but he is remitted to be rewarded by such as sent him hither.

This hath been the manner of our dealings in this service, whereof we have thought good to advertise your

lordships, as particularly as we could, for the time, and further have thought good to signify unto your lordships besides, that for the avoiding of all sinister and flanderous reports that may be raised to the contrary, we have caused a note thereof to be conceiv'd to the same effect in writing, which we the said lords have subscribed, with the hands of such other there the knights and gentlemen above named that were present at the action. And so beseeching Almighty God long to bless her majesty with a most prosperous reign, and to confound all his, and her enemies, we take our leaves. From Fotheringay-Castle, the 8th of February 1586, in hast.

Your lordships at commandment.

N. B. This, as well as several other papers in this Appendix, is taken from a collection made by Mr. Crawfurd of Drumfoy, historiographer to Queen Anne, now in the library of the faculty of Advocates. Mr. Crawfurd's transcriber has omitted to mention the book in the Cott. Lib. where it is to be found.

N^o. XXXIX. (Vol. II. p. 365.)

The objections against Mr. Davison, in the cause of the late Scottish Queen, must concern things done either, 1. Before her trial at Fotheringay. 2. During that session. 3. After the same **.

1. **B**EFORE her trial, he neither is, nor can be charged to have had any hand at all in the cause of the said Queen, or done any thing whatsoever concerning the same, directly or indirectly.

2. During that session, he remained at court, where the only interest he had therein, was as her majesty's

** Cott. Lib. Calig. C. 1.

secretary, to receive the letters from the commissioners, impart them to her highness, and return them her answers.

3. After the return thence, of the said commissioners, it is well known to all her council,

1. That he never was at any deliberation or meeting whatsoever, in parliament, or council, concerning the cause of the said Queen, till the sending down of her majesty's warrant unto the commissioners, by the lords and others of her council.

2. That he was no party in signing the sentence, passed against her.

3. That he never penned either the proclamation publishing the same, the warrant after her death, nor any other letter, or thing whatsoever concerning the same. And,

That the only thing which can be specially and truly imputed to him, is the carrying up the said warrant unto her majesty to be signed. She sending a great counsellor unto him, with her pleasure to that end, and carrying it to the great seal of England, by her own special direction and commandment.

For the better clearing of which truth, it is evident,

1. That the letter, being penned by the lord treasurer, was delivered by him unto Mr. Davison, with her majesty's own privity, to be ready for to sign, when she should be pleased to call for it.

2. That being in his hands, he retained it at the least five or six weeks unpresented, nor once offering to carry it up, till she sent a great counsellor unto him for the same, and was sharply reproved therefor by a great peer, in her majesty's own presence.

3. That having signed it, she gave him an express commandment to carry it to the seal, and being sealed to send it immediately away unto the commissioners, according to the direction. Herself appointing the hall of

Fotheringay for the place of execution, misliking the court-yard, in divers respects, and in conclusion absolutely forbade him to trouble her any further, or let her hear any more hereof, till it was done. She, for her part, having (as she said) performed all that, in law or reason, could be required of her.

4. Which directions notwithstanding, he kept the warrant sealed all that night, and the greatest part of the next day in his hands, brought it back with him to the court, acquainted her majesty withal, and finding her majesty resolved to proceed therein, according to her former directions, and yet desirous to carry the matter so, as she might throw the burthen from herself, he absolutely resolved to quit his hands thereof.

5. And hereupon went over unto the lord treasurer's chamber, together with Mr. vice-chamberlain Hatton, and in his presence restored the same into the hands of the said lord treasurer, of whom he had before received it, who from henceforth kept it, till himself and the rest of the council sent it away.

Which, in substance and truth, is all the part and interest the said Davison had in this cause, whatsoever is, or may be pretended to the contrary.

Touching the sending down thereof unto the commissioners, that it was the general act of her majesty's council (as is before mentioned) and not any private act of his, may appear by,

1. Their own confession.
2. Their own letters sent down therewith to the commissioners.
3. The testimonies of the lords and others to whom they were directed.
- As also,
4. of Mr. Beale, by whom they were sent.
5. The tenor of her majesty's first commission for their calling to the star-chamber for the same, and private appearance and submission afterward instead thereof, before the lord chancellor Bromley.
6. The confession of Mr. Attorney general in open court confirmed.
7. By the sentence itself upon record.
8. Besides a common act of council, containing an answer

to be verbally delivered to the Scottish ambassador then remaining here, avowing and justifying the same.

Now where some suppose him to have given some extraordinary furtherance thereunto, the contrary may evidently appear by,

1. His former absolute refusal to sign the band of association, being earnestly pressed thereunto by her majesty's self.

2. His excusing of himself from being used as a commissioner, in the examination of Babington and his complices, and avoiding the same by a journey to the Bath.

3. His being a mean to stay the commissioners from pronouncing of the sentence at Fotheringay, and deferring it till they should return to her majesty's presence.

4. His keeping the warrant in his hands six weeks un-presented, without once offering to carry it up, till her majesty sent expressly for the same to sign.

5. His deferring to send it away after it was sealed unto the commissioners, as he was specially commanded, staying it all that night, and the greatest part of the next day in his hands.

6. And finally, his restoring thereof into the hands of the lord treasurer, of whom he had before received the same.

Which are clear and evident proofs, that the said Davison did nothing in this cause whatsoever, contrary to the duty of the place he then held in her majesty's service.

Cal. C. 9.

This seems to be an original. On the back is this title,

The innocence of Mr. Davison in the cause of the late Scottish Queen.

A P P E N D I X

TO THE
THIRD VOLUME.

N^o. I. (Vol. III. p. 80.)

Letter from @, to his majesty King James ¹.

MOST worthy prince, the depending dangers upon your affectionates have been such, as hath enforced silence in him, who is faithfully devoted to your person, and in due time of trial, will undergo all hazards of fortune, for the maintenance of the just regal rights, that, by the laws divine, of nature, and of nations, is invested in your royal person. Fall not then, most noble and renowned prince, from him, whose providence hath in many dangers preserved you, no doubt to be an instrument of his glory, and the good of his people. Some secrets, I find, have been revealed to your prejudice,

¹ From the Original. Bibl. Fac. Jur. Edin. A. v. 34. N^o. 4. In the former editions, I printed this as a letter from Sir Robert Cecil, but am now satisfied that I was mistaken in forming this opinion. See Sir D. Dalrymple's Rem. on the Hist. of Scot. p. 233. As the letter is curious, I republish it, though I cannot pretend to say to which of the King's numerous correspondents in England it should be ascribed.

which must proceed from some ambitious violent spirited person near your majesty in council and favour; no man in particular will I accuse, but I am sure it hath no foundation from any, with whom, for your service, I have held correspondence; otherwise, I had, long since, been disabled from performance of those duties, that the thoughts of my heart endeavoureth; being only known to this worthy nobleman bearer hereof, one noted in all parts of Christendom for his fidelity to your person and state, and to Mr. David Fowlis your most loyal servant, my first and faithful correspondent; and unto James Hudfone, whom I have found in all things that concern you, most secret and assured. It may, therefore, please your majesty, at the humble motion of Θ , which jargon I desire to be the indorsement of your commands unto me, that, by some token of your favour, he may understand in what terms you regard his fidelity, secrecy and service. My passionate affection to your person (not as you are a king, but as you are a good king, and have just title, after my sovereign, to be a great king) doth transport me to presumption. Condemn not, most noble prince, the motives of care and love, altho' mixed with defects in judgment.

1. I, therefore, first beseech your majesty, that for the good of those whom God, by divine Providence, hath destined to your charge, that you will be pleased to have an extraordinary care of all practicers or practices, against your person; for it is not to be doubted, but that in both kingdoms, either out of ambition, faction, or fear, there are many that desire to have their sovereign in minority, whereby the sovereignty and state might be swayed by partiality of subalternate persons, rather than by true rule of power and justice. Preserve your person, and fear not the practices of man upon the point of your right, which will be preserved and maintained against all assaults of competition whatever. Thus I leave the protection of your person, and royal posterity, to the Almighty God of Heaven, who blesses and preserve you and all yours, in all regal happiness to his glory.

2. Next to the preservation of your person, is the con-

versation and secret keeping of your councells, which, as I have said, are often betrayed and discovered, either out of pretended zeal in religion, turbulent faction, or base conception, the which your majesty is to regard with all circumspection, as a matter most dangerous to your person and state, and the only means to ruin and destroy all those that stand faithfully devoted to your majesty's service. Some particulars, and persons of this nature, I make no doubt have been discovered by the endeavours of this nobleman, the bearer hereof, of whom your majesty may be further informed.

3. The third point considerable is that your majesty, by all means possible, secure yourself of the good affection of the French King and States, by the negociation of some faithful secret confident; the French naturally distesting the union of the British islands under one moharch. In Germany, I doubt not, but you have many allies and friends, but by reason of their remote state, they do not so much importe this affair, which must be guided by a quick and sudden motion.

4. When God, by whose Providence, the period of all persons and times is determined, shall call to his kingdom of glory her majesty (although I do assuredly hope that there will not be any question in competition, yet for that I hold it not fitting to give any minute entrance into a cause of so high a nature), I do humbly beseech your majesty to design a secret, faithful, and experienced confident servant of yours, being of an approved fidelity and judgment, continually to be here resident, whose negociation, it were convenient your majesty should fortifie, with such secret trust and powers, as there may not need 14 days respite, to post for authority, in a cause, that cannot endure 10 hours respite, without varieties of danger. In the which it is to be considered, that all such as pretend least good to your establishment, will not in public oppugn your title, but out of their cunning ambition will seek to gain time, by alledging their pretence of common good to the state, in propounding of good conditions for disburthening the

common weale, of divers hard laws, heavy impositions, corruptions, oppressions, &c. which is a main point to lead the popular, who are much disgusted with many particulars of this nature. It were therefore convenient, that these motives, out of your majesty's providence should be prevented, by your free offer in these points following, viz.

1. That your majesty would be pleased to abolish purveyors and purveyance, being a matter infinitely offensive to the common people, and the whole kingdom, and not profitable to the prince.

2. That your majesty would be pleased to dissolve the court of wards, being the ruin of all the noble and ancient families of this realme, by base matches, and evil education of their children, by which no revenue of the crown will be defrayed.

3. The abrogating the multiplicity of penal laws, generally repined against by the subject, in regard of their uncertainty, being many times altered from their true meaning, by variety of interpretations.

4. That your majesty will be pleased to admit free outport of the native commodities of this kingdom, now often restrained by subalternate persons for private profit, being most prejudicial to the commerce of all merchants, and a plain destruction to the true industry and manufacture of all kingdoms, and against the profit of the crown.

These, being by your majesty's confidants in the point of time propounded, will assuredly confirm unto your majesty the hearts and affections of the whole kingdom, and absolutely prevent all insinuations and devices of designed patriots, that, out of pretext of common good, would seek to patronize themselves in popular opinion and power, and thereby to derogate from your majesty's bounty and free favour, by princely merit of your moderation, judgment and justice.

Your majesty's favour, thus granted to the subject, will no way impeach the profits of the crown but advance them. The disproportionate gain of some chequer officers, with the base and mercenary profits of the idle unnecessary clerks and attendants, will only suffer some detriment; but infinite will

be the good unto the kingdom, which will confirm unto your majesty the universal love and affection of the people, and establish your renown in the highest esteem to all posterity.

The Lord preserve your majesty, and make you triumphant over all your enemies.

My care over his person, whose letters pass in this pacquet, and will die before he leave to be yours, shall be no less than of mine own life, and in like esteem I will hold all your faithful confidents, notwithstanding I will hold myself reserved from being known unto any of them, in my particular devoted affections unto your majesty, only this extraordinary worthy man, whose associate I am in his misfortune, doth know my heart, and we both will pray for you, and if we live you shall find us together.

I beseech your majesty burn this letter, and the others; for altho' it be in an unusual hand, yet it may be discovered.

Your majesty's most devoted,
and humble servant,

④.

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